

THE
ACTS
Made in the First
PARLIAMENT,
Of our most High and Dread SOVERAIGN,
CHARLES
THE FIRST,

*By the Grace of GOD, King of SCOTLAND,
ENGLAND, FRANCE, and IRELAND,
Defender of the Faith, &c.*

*Holden by Himself, present in person, with His Three
Estate, at Edinburgh, upon the twenty eight
day of June, Anno DOM. 1633.*



EDINBURGH,
Re-printed by Andrew Anderson, Printer to the King's most
Excellent Majesty, Anno DOM. 1674.

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ACT I.

Anent the Taxation granted to His Majesty, of thirty shillings Termly upon the pound Land, and the sixteenth penny of all Annual-rents.



IN the Parliament holden at *Edinburgh* the twenty eight day of *June*, the year of GOD, 1633. The three Estates of Parliament being assembled, having taken to their consideration the many blessings, which this nation doth enjoy under His *Majesties* most wise, happy, and peaceable government, whereof each Estate is most sensible, His *Majesties* royall zeale for propagating the Gospel of Jesus Christ, his care for providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so even and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can find no blemish in the temper of all his royall actions: And last, the great comfort they have by enjoying His *Majesties* royall presence, paines taken, and expences disbursed by His *Majesty* in this His *Majesties* journey: with a most thankfull acknowledgement, are most earnestly and humbly to entreat His Sacred *Majesty*, to accept of this their voluntary offer of one taxation to be imposed, collected, and payed to His gracious *Majesty*, in manner, and at the termes following: That is to say, The Dukes, Marquesses, Earles, Vicounts, Lords, and Commissioners of Shires for the temporall Estate, have granted, that there shall be uplifted of every pound land of old extent within this Kingdom, pertaining to Dukes, Marquesses, Earls, Vicounts, Lords, Barons, and Freeholders, and Fewers of His *Majesties* proper lands, the sum of thirty shillings money at every one of the six severall termes following: *viz.* The sum of thirty shillings money at the feast & terme of Martinmas, in the year of GOD, 1634. The sum of other thirtie shillings money at the feast and terme of Martinmas, in the year of GOD, 1635. The sum of other thirty shillings money at the feast and terme of Martinmas, in the year of GOD, 1636. The sum of other thirty shillings money at the feast and term of Martinmas, in the year of GOD, 1637. The sum of other thirty shillings money at the feast and term of Martinmas, in the year of GOD, 1638. And the sum of other thirty shillings money at the feast and term of Martinmas, in the year of GOD, 1639. And the Archbishops and Bishops for the spirituall Estate, have granted that there shall be uplifted of all

Archbishopricks, Bishopricks, Abbacies, Pryories, and other inferior Benefices within this Kingdom, at every one of the six termes above-specified, the just taxation thereof, as they have been accustomed to be taxed unto in all time bygone, whensoever the Temporall lands of this Kingdom were stinted to thirty shillings the pound land of old extent: And the same taxation to be payed at every one of the six severall termes above-specified. And the Commissioners of Burrows for their Estate have granted, that there shall be uplifted of all the Burrows within this Kingdom, at every one of the six termes above-specified, the just taxation thereof as they have been accustomed to be taxed unto in all time by-gone, whensoever the Temporall Lands of this Kingdom were stinted to thirty shillings the pound land of old extent. And the said Taxation to be payed at every one of the six severall termes above-written. And in regard that His *Majesty* hath erected sundry Prelacies in temporall Lordships, whereby the owners thereof may claim to be taxed with the Barons of the Temporall Estate, and thereby His *Majesty* will be defrauded of a great part of the said Taxation.

Therefore the said Estates ordaine, that all erections of Prelacies, and other small Benefices, in whole or in part in Temporall Lordships, shall in payment of the said Taxation pay to the Collector thereof so much of the same Taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. And such like it is statute and ordained, that all dissolved Benefices within this Kingdom, in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have been subject to pay, though the same had not been dissolved. And that those parties, who have gotten any part or portion of any Prelacies or other inferior Benefices dissolved, and new securities made unto them by His *Majesty* of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelate or other beneficed person for his relief of the same Taxation, as they would have been, so the same had not been dissolved, notwithstanding of any condition contained in the infeftments and securities made by His *Majesty* to them in the contrary thereof.

And further, His *Majesty* and the said Estates annull and discharge all privileges and immunities whatsoever, whereby any persons may think themselves free of payment of this present Taxation (The privileges granted to the ordinary Lords and Senators of the Colledge of Justice, and the taxation of Benefices, given, disposed, and mortified for entertainment of the Universities, Colledges, and Hospiralls within this Kingdom onely excepted.) And further, the said Estates, for a more ample testification of their exceeding great affection to His *Majesties* service, have (beside and attour the ordinary taxation above-written) made a free and willing offer to His *Majesty* of one yearly extraordinary taxation of the sixteenth penny of all annuall-rents which any person or persons within this Kingdom hath freely due and payable to them yearly or termly (Their own annuall-rents, wherein they are addebted to others being first deduced): The first termes payment whereof shall be, and begin at the Feast and term of Martinmasse, in the year of GOD, one thousand six hundred thirty four years, and so forth yearly and termly at Whitsunday, and Martinmasse for the space of six years, while the said six years and twelve termes payment thereof be full and compleatly out-run.

And for the better triall of every man his annuall-rents, which he hath yearly or termly due to him: It is ordained, that this act be published at the Market Crosse of *Edinburgh*, and of the whole head burrows of the Sheriffdomes, Stewartries, Bayleries, and Regalities, within this Kingdom, whereby all His *Majesties* Lieges may have true notice thereof. And therewithall the said Estates will, command, and ordaine all His *Majesties* subjects that have any annuall-rents payable to them, That they compeir within the head burgh of the Sheriffdom, Stewartrie, Baylerie, or Regalitie, or the head burgh of any of those

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Jurisdictions, wherein the head Courts are holden, and where the said annuall-renters dwell, and have their ordinarie residence in any court day in one of the two last weeks immediatly preceeding, and in one of the two first weeks immediatly following Whitsunday, and Martinmasse. At which time the Sheriffs, Stewards, Bayliffs, and Bayliffs of Regalities, and Provest, and Bayliffs of free burrows within the bounds of their Jurisdictions, shall be obliged to hold Courts weekly, to the effect after specified. And the Lieges resorting to the said Courts, shall give up one inventar to the Clerk thereof, of the whole sums of money for which annuall-rent is due to them yearly or termly, with the names of their debtors, designed by name and surname, and the ordinarie place of their residence. As also the whole sums of money for which they are subject in payment of annuall-rents to others, with the names of their creditors, to whom the same is due, designed likewise by name and surname, and the place of their ordinarie residence, whether the same annuall rent be in victual, or in silver: the annuall of victuall to be esteemed according to the stock of money for which it is payed, at eight for ilk hundred thereof. And shall cause the parties, up-givers of the said inventars, everie partie subscribe his own inventar himself, if he can write; and if he cannot write, the Clerk of the said Court shall subscribe the said inventar in face of the court before the members thereof. And also the Sheriffs, Stewards, bayliffs, bayliffs of regalities, provest, and bayliffs of free burrowes within the bounds of their jurisdictions: And the clerks themselves shall make and give up an inventar of the debts owing to themselves, and by themselves, as said is. It is alwayes provided, that if any person impedit by reason of sicknesse, or distracted by some other just occasion, shall not be present himself to give up the said inventar, It shall be lawfull for him to cause any honest responfall man within the jurisdiction where he dwels, compeir and give up his inventar, providing the same be subscribed by himself, or any notar at his command, which the ingiver shall declare to be one true deed, and shall abide at the same upon the like hazard and danger, as the principall partie should underly: which shall be als sufficient, as if the inventar had been given personally up by the principall partie himself. And an inventar being once made and given up, shall still stand, and be a ground to charge any person, during the time of the six years of the said taxation, unless the partie change, or otherwise employ his sums: and then he shall give up a new inventar, which shall be a new ground of a charge, and the former shall cease. And the said Clerk shall make a Record in his Register of the said whole inventars: which inventars being so recorded, shall be extracted by the said Clerk, and subscribed with his hand, And three extracts made of the same; one to be given to the partie, if he require the same; another to be sent by the said Clerk to the Collector of the same taxation; and the third to be sent by the said Clerk, to the Clerk of His *Majesties* Register, to be kept amongst the Records of His *Majesties* Exchequer, to the intent it may be known how far everie party is lyable in payment of the said extraordinarie taxation. For the which extract and note made in Register, the said Clerk shall have of every person, up-giver of an inventar, the sum of four shillings money. And if by sloth or malice the Clerk shall happen to delay, or shift the Lieges, resorting to the said courts to the effect foresaid, (complaint being made thereof to the Lords of His *Majesties* privie Councell) the said Clerks shall be punished accordingly, at the discretion of the said Lords. And at any court day, in any of the said two weeks preceeding or immediatly following any term, it shall be leasome to any person to compeir and offer to give up his inventar (heremaking payment of the taxation due for the same) which the Clerk and Judge shall be astricted to receive.

And albeit it be declared, that an inventar once given up shall still stand, and be a ground to charge any person during the whole termes of the said taxation, except the same be changed in manner foresaid: Yet because sondry, who have this liberty, delay to make payment of the taxation of their moneys after the

the time be expired, Therefore it is provided and declared, that if they fail to make payment of the due taxation of their moneys within twentie dayes after each term, that the partie so failing, shal be subject in payment of the triple of the said taxation, for each term wherein he failyes, and letters shall be direct against them, for payment thereof in form as effects.

Further, for the better observation of this Act, It is declared, that whosoever receives, retaines, or conditions to receive any annuall-rent, and conceal-eth the same, or any part thereof: Or in giving up his inventar of debts, and annualls owing by him to his just creditors, giveth up more than he is justly adebted, the up-giver thereof shall forfeit that termes annuall to His *Majesties* use. And whosoever first discovers, or reveales, either the annuall concealed, or annuall which is more than the up-givers just debt; shall for his reward have the half of that termes concealed annuall, and as much as the half of that annuall which shall be discovered to have been unjustly given up. And in case it shall happen any person or persons whatsoever, by vertue of his up-given inventar, to be charged for payment of his taxation, and at the time of his charge to declare in presence of a Judge by his great oath solemnly sworn, that his debter is a bankrupt, whereby he is disabled to make payment of his taxation, and is content the Kings *Majesty* shall have the whole annuall-rent adebted to him by his bankrupt debter for that term; The said Declaration shall be a sufficient liberation of him to the same: And for eschewing of malicious dilators of those who have omitted or concealed their sums, It is ordained, That whensoever any person shall accuse, or dilate another of concealing, or omitting of sums, the time of making his inventar, he shall condescend upon some probable cause of his dilation, and shall find caution *de judicato solvi*, in case he failye in proving that which he dilates. And there shall no such actions of dilations be lawfull against dead persons, their heires, nor executors, except what the same hath been intended before the said persons their decease. Neither shall it be lawfull after year and day after the expiring of the said taxation, to intend any such action. And in case any person purchase wedset of Lands, and set the same back again in tack to him who wedset the same, the Tacksmen possessors of the Lands, shall pay for the rent of the Lands, and the haver of the wedset shall pay for the annual-rent of his money which he hath on the Land, as if the same were employed for annuall-rent: Attour it shall not be lawfull by no manner of way to any creditor, to get relief of his debtor for this taxation which is imposed upon annuall-rents, by this statute, under the pains contained in the Acts of Parliament made anent Usurers. And concerning Minors, it is declared, That their minority shall no wayes priviledge them, but their tutors and curators shall give up their inventars of their annuall-rents in their names, which if the said tutors and curators failye to do, the said Minors shall incur the like danger as others, and at their perfect age, shall have action of relief against the said tutors and curators for that cause. And in case any person depart out of this Kingdom after the publication of this present Act, the same shall no wayes excuse him from giving up an inventar of his annuall-rents, and payment of the said taxation, and underlying of the danger contained in this present Act. But they who are presently forth of this Kingdom, and shall not return before the term of Whitsunday, in the year of GOD, one thousand six hundred thirtie five, they shall not come under the danger of this Act untill the term of Martinmasse thereafter, providing that at that term, they give up their inventars, and pay their taxation, as if they had been present within the Kingdom, before the foresaid term of Martinmasse. And for uplifting of the same taxation, granted upon annuall-rents, and to the intent His *Majesties* generall Collector thereof, may know whom to crave and charge for the same; It is statute and ordained, that within every Sherifsdome, Stewartrie, Baylyerie, and Regalitie, where the offices of Sheriffs, Stewarts, Bayliffs are heritable, and the Provest, and Bayliffs of free Burrows, these heritable officers and their

deputies, for whom they shall be holden to answer, and Provest and Bailiffs of free Burrows, shall collect the said taxation, and make payment thereof to His *Majesties* Collector generall of his said taxations. And where these offices of Sheriffs, Stewarts, and Bayliffs, are not heritable but changeable; The Clerks within the said jurisdictions (having their offices *ad vitam*) shall be collectors thereof. And in case the said Clerks have not already found sufficient caution for discharging of their offices, they shall be holden before they have any intromission with the same Taxation, or exercise their office of Sheriff-Clerk, after the foresaid term of Martinmasse, in the year of GOD, one thousand six hundred thirtie four years, to find sufficient caution for that effect. And where there are no heritable Officers, nor Clerks (having their offices *ad vitam*) and have not found caution in manner above-written, the said Collector generall of His *Majesties* Taxation, and his Deputes in his name sufficiently authorized by him, and for whom he shall be holden to answer, And whose name he shall cause publish at the Market-crosse of the head Burgh of that jurisdiction, where there is no heritable Officers nor Clerks (*ad vitam*) that His *Majesties* Lieges may know to whom they shall make payment, shall collect, and uplift the same Taxation; which payment being made, the receiver thereof shall be obliged to deliver to the payer thereof an acquittance upon the receipt of the same, gratis, without payment of any money for the same. It is likewise provided, that the fees of the collectors and receivers of the same Taxation of annual-rents shall be, like as hereby they are remitted to the discretion & arbitrement of the Lords of His *Majesties* privie Councell, to be set down and agreed upon by them. And the said Estates hereby discern and declare, that all burgeses and freemen within burgh, albeit they be taxed in the ordinary Taxation above-written, with their neighbours, conform to the order prescribed for collecting of the burrowes part of the said ordinary Taxation; yet the same shall no wayes liberate nor free them from payment of their parts of the said extraordinary Taxation, according to the proportion of the sixteenth penny of their annuall-rents, but shall be lyable in payment thereof, as others His *Majesties* Lieges are. Attest the said Estates annuall, and discharge all priviledges, and immunities whatsoever, whereby any person may think themselves free of payment of any part of this present extraordinary Taxation, the priviledges and immunities granted to the ordinary Lords of Session, with the annuall-rents due to be payed to Colledges, Schools, and Hospiralls, or mortified for sustentation and upholding of Kirks and bridges, with the annuall-rent that might be claimed of poor people, whose stock exceeds not the sum of five hundred Marks Scots, only excepted.

ACT II.

Anent the Collecting and inbringing of the Taxation, and Relief to Prelats.

IN the Parliament holden at *Edinburgh* upon the twentieth eight day of *June*, the year of God, 1633. the three Estates of the said Parliament being assembled, having taken to their consideration the many blessings which this nation doth enjoy under His *Majesties* most wise, happy, and peaceable government, whereof each Estate is most sensible, His *Majesties* royall zeal for propagating the Gospel of Jesus Christ, his care for providing sufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of discords, relieving the oppressed, and with so eaven and fatherly a hand curing the wounds of this Common-wealth, as the wisest eye can finde no blemish in the temper of all his royall actions: And last, the great comfort they have had by enjoying His *Majesties* royall presence, paines taken, and expences disbursed by His *Majesty* in this His *Majesties* journey: with a most thankfull acknowledgement, are most earnestly and humbly to entreat His sacred *Majesty* to accept of this their voluntary offer of one Taxation ordinary to be imposed, collected, and payed to His

His gracious *Majesty* in manner, and at the termes following: That is to say, the summe of thirtie shillings money at the feast and terme of Martinmasse, in the year of God, 1634. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1635. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1636. The summe of other thirtie shillings money at the feast and terme of Martinmasse, 1637. The summe of other thirtie shillings money, at the feast and terme of Martinmasse, 1638. And the summe of other thirtie shillings money at the feast and terme of Martinmasse, 1639. And for the spiritual men and burrowes parts of the same taxation, That there shall be uplifted of every Archbishoprick, Bishoprick, Abbacie, Priorie, and other inferiour benefice, and of every free burgh within this kingdome, at everie one of the said six tearms payment, the just taxation thereof, and as they have been accustomed to be taxt unto in all time by-gone, whensoever the temporall Lands within this Kingdom were taxed to thirtie shillings money the pound land of old extent. And the same taxation to be payed at every one of the six severall termes above-written. And for inbringing of the spirituall mens parts of the same taxation, Ordains letters to be direct, charging all and sundry Archbishops, Bishops, Abbots, Pryors, as likewise all Noblemen and others, in whose favours the erection of any prelatie, or other inferiour benefice, or any part or portion thereof, be it in lands, kirks or tiends, Or in whose favours the Patronage of any benefice, kirks, or tiends are past, and all other beneficed persons contained in the taxt rolls, their heritable bayliffs, chamberlanes, factors and intrometters, with their rents and living personally, or at their dwelling places, and by open proclamation at the Market crosses of the head burrowes of the Sherifffdomes, Stewartries, and Bayleries, where the said Prelacies, erected Lordships, and small Benefices lye, if they be within this Kingdom. And if they be without this Kingdome, by open proclamation at the Market crosse of *Edinburgh*, *Peir* and *Shore of Leith*, upon threescore dayes warning, to make payment of that summe, that they and ilke one of them are taxt unto, for every one of the said six termes, To the Collector general of the said taxation, appointed or to be appointed by His *Majesty*, or his Deputes and officers in his name, having his power and commission to receive the same, at the particular termes above-written, under the pain of rebellion, and putting of them to the horn. And if they failye therein, at the by-passing of every one of the said termes, To denounce the disobeyers rebels, & put them to the horn, & to escheat, &c. And that the Prelates, and beneficed persons, and such Noblemen, and others, in whose favours the erections and patronages above written are past, For their reliefe have letters, charging their vassals, subvassals, ladies of terce, conjunctfeears, and life-renters, fewars, tacksmen, and pensioners, To make payment of their part of the taxation ilk one of them (*pro rata*) according to the sum they shall be taxt unto; To the said Prelates, and other beneficed persons, and to the said Noblemen, and others having power to receive the same, within twentie dayes next after the charge, under the pain of rebellion, &c. And if they failye, &c. To denounce, &c. and escheat, &c. And to poynd and distrenyie therefore, as they shall think most expedient: Providing alwayes, that the first terms payment of the said taxation be ever past, before the next terms payment be charged for. And the Estates declare, That the production of sufficient hornings against the said vassals, fewars, tacksmen and pensioners, shall be a relief to the said Prelates, Lords of erection, and beneficed persons, and shall exoner them (*pro tanto*) from payment of the said taxation. Providing that the same hornings, with their taxt rolls authentickly made and subscribed by the said Prelates, Lords of erections, and other beneficed persons, and by their Fewars, Vassals, Tacksmen and pensioners in manner hereafter prescribed, contayning the particular summe which each one of them are taxt unto, be delivered to the Collector of the same Taxation, within the space of threescore dayes after every Term: Otherwise he

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he shal be no ways obliged to receive the same, neither shal the Prelate, Lord of erection, nor beneficed person be exonered by production of the same at any time thereafter.

And farther, that the said Prelates and such noble men, and others in whose favours the Erections and Patronages above written are past, and all other beneficed persons may have their relief of their Vassals, Subvassals, Ladies of teree, conjunct-secars, live-renters, sewers, takl-men, and pensioners: To the greater ease, and lesse trouble to their said Vassals and others foresaid. And to the effect, that every one proportionally may pay his part of the said Taxation, according to the quantity and avails of the free rent which he hath of his benefice, lands, pensions, Kirks, and teind-sheaves pertaining to him, as well Prelat, Lord of erection, Patron, & other beneficed persons themselves, as the Fewer, Taklman & Pensioner.

It is thought expedient, statute and ordained, that the said Prelates and others above-rehearsed, every one of them severally shall convene his whole Fewers, Vassals, Takl-men, and Pensioners at the particular places hereafter designed. They are to say, The Archbishop of *S. Andrews*, at the Citie of *S. Andrews*: the Archbishop of *Glasgow*, at the Citie of *Glasgow*: the Bishop of *Orkney*, at the town of *Kirkwall*: the Bishop of *Cathnes*, at the town of *Durness*: the Bishop of *Ross*, at the town of *Chanorris of Ross*: the Bishop of *Murray*, at the town of *Elgin*: the Bishop of *Aberdene*, at the burgh of *Aberdene*: the Bishop of *Brechin*, at the burgh of *Brechin*: the Bishop of *Dunkeld*, at the town of *Dunkeld*: the Bishop of *Dumblane*, at the town of *Dumblane*: The Bishop of *Galloway*, at the town of *Wigton*: the Bishop of *Argyle*, at the town of *Inveraray*: the Bishop of the *Isles*, at the burgh of *Rorboisay in Bute*: the Abbot of *Icolmkill*, at the burgh of *Inverness*: the Pryor of *Archastran*, at the burgh of *Inveraray*: the Abbot of *Ferne*, at the burgh of *Tayne*: the Lord of *Bewlie*, at the burgh of *Inverness*: the Lord of *Kintlosse*, at the burgh of *Forres*: the Pryor of *Pluscarden*, at the burgh of *Elgin*: the Lord of *Diers*, at the town of *Peterheads*: the Pryor of *Fyvie*, at the town of *Turreffe*: the Pryor of *Monymusk*, at the town of *Monymusk*: the Lord of *Arbroath*, at the burgh of *Arbroath*: the Lord of *Scoone*, at the burgh of *Perth*: the Lord of *Cowper*, at the town of *Cowper* in *Angus*: the Pryor of *Restenness*, at the burgh of *Forfar*: the Collector of the same Taxation in place of the Pryor of *Charter-house*, the seat now vacand, at the burgh of *Perth*: the Pryor of *Elcho* at the same burgh of *Perth*: the Pryor of *Strathmillane*, at the Kirk of *Canrie*: the Lord of *Inchechaffrey*, at the burgh of *Perth*: the Pryor of *Inchmahome*, at the burgh of *Stirling*: the Pryor of *Saint Andrews*, at the Citie of *Saint Andrews*: the Bayliffe of the Regalitie of *Dumfermling*, at the burgh of *Dumfermling*: the Lord of *Balmarnock*, at the burgh of *Cowper* in *Fife*: the Lord of *Lundore*, at the burgh of *Cowper* in *Fife*: the Masters of *Saint Leonards Colledge*, in *Saint Andrews*: for the Pryorie of *Perthmoke* at the burgh of *Cowper* in *Fife*: the Pryor of *Pettenweime*, at the burgh of *Pettenweime*: the Lord of *Saint Colme*, at the burgh of *Inverkeithing*: the Lord of *Culros*, at the burgh of *Culros*: the Abbot of *Camhuiskynneish*, at the burgh of *Stirling*: the Lord of *Torphachin*, at the burgh of *Linlithgow*: the Pryor of *Adamsel*, at the burgh of *Linlithgow*: the Lord *Halse-rud-house*, at the burgh of *Edinburgh*: the Lord *New-bastle*, at the burgh of *Edinburgh*: the Pryoresse of *Haddington*, at the burgh of *Haddington*: the Lord of the temporall lands of the Pryorie of *North-berwick*, at the burgh of *North-berwick*: the Patron and Person of the Kirk of *Kilconchore* dissolved from the Pryorie of *North-berwick*, at the town of *Elie*: the patron and parson of the Kirk of *Largo* dissolved from *North-berwick*, at the town of *Largo*: the patron and parson of the Kirk of *Mayhill* dissolved from *North-berwick*, at the town of *Mayhill*: the patron and parson of the Kirk of *Logie* dissolved from *North-berwick*, at the burgh of *Stirling*: the Lord of *Kells*, at the town of *Kells*: the Lord of *Coldingham*, at the town of *Eymouth*: the Lord of *Dryburgh* at the town

town of *Dryburgh*: the Pryor of *Eccles*, at the town of *Dunee*: the Pryor of *Cold-stream*, at the burgh of *Dunee*: the Lord of *Iedburgh*, at the town of *Iedburgh*: the Lord of *Melrose*, at the town of *Melrose*: the Lord of *Paislay*, at the town of *Paislay*: the Lord of *Blantyre*, at the burgh of *Glasgow*: the Lord and Bayliffe of the temporall lands of *Kilwynning* dissolved from the Abbacie of *Kilwynning*, at the burgh of *Irwing*: the Abbot of *Corsfraguell*, at the town of *Mayheill*: the Pryor of *Whithorn*, at the burgh of *Whithorn*: the Abbot of *Saulsetto*, at the burgh of *Whithorn*: the Pryor of *Saint Mary-Ile*, at the burgh of *Kirkcubright*: the Lord of *Dundrennan*, at the burgh of *Kirkcubright*: the Lord of *Glenluce*, at the burgh of *Wigtoun*: the Abbot of *Tungland*, at the burgh of *Wigtoun*: the Abbot of *New-abby*, at the burgh of *Dumfreis*: the Abbot of *Holie-wood*, at the burgh of *Dumfreis*: the Pryor of *Cannobie*, at the burgh of *Annam*: the Baron and Bayliffe of the baronie of *Brughstown* dissolved from the Lordship of *Holie-rud-house*, at the burgh of *Edinburgh*: the heritours of the hundred pound land of the barony of *Monkland* dissolved from the Lordship of *Newbottle*, at the Citie of *Glasgow*: the Minister of *Felfoord*, at the burgh of *Aire*: the Minister of *Scotland-well*, at the burgh of *Saint Andrews*: the Minister of the Crosse-Kirk of *Peebles*, at the burgh of *Peebles*: the patron and parson of the Kirk of *Dundie* dissolved from the Abbacie of *Lyndores*, at the burgh of *Dundie*, and all other small beneficed persons at the parish Kirks of their particular benefices: And that they convene to the effect above-written upon the thirteenth day of *August*, in the year of GOD, one thousand six hundred thirty four years, which is declared to be the precise day appointed for all their Vassals, Fewers, Taks-men, and Pensioners to keep the said meeting, and that no further citation nor summoning shall be requirit, than this Proclamation and publication of this present Act at the Market-crosses of the head burrowes of this Kingdom.

And here-with it is resolved by His Majesty and the said Estates, that if any Vassals, Sub-vassals, Fewers, Taks-men of reinds, Pensioners, or any other justly bound to make relief to Prelat, Lord of erection, Patron, or other beneficed person of any part of the said Taxation, shall send any procurator in his name sufficiently authorized to the said meeting: the same shall not only excuse the principall parties absence, but the procurators shall be admitted in all things, and received to do and perform in the distribution of the said Taxation, what could or lawfully might have been done by him who sent him.

It is likewise declared, that the Prelat, Lord of erection, Patron, or other beneficed person, impedit by disease, or distracted upon some other necessary occasion from attending that meeting, having his absence supplied that day by a sufficient worthy person whom he shall authorize and appoint to that effect, shall be as lawfull as if he were personally present himself: and the party so authorized shall be admitted and received in all things, to do and perform in the distribution of the same Taxation, what could or lawfully might have been done by him who sent him.

It is further statute and ordained, that at the said day of meeting, the said Prelates, Lords of erections, Patrons, and other beneficed persons, shal by themselves or by their procurators lawfully authorized as said is: Fence, and hold a Court, call by name and surname upon every one of their Vassals, Sub-vassals, Fewers, Taks-men of reinds, Pensioners, and others obliged to relieve them of any part of the same Taxation, and lawfull time and day being bidden: To shew to their said Vassals, Fewers, Taks-men, and Pensioners, or their procurators comparing for them, the quantitie of the Taxation imposed upon their prelatie, erected Lordship, or other benefice authentickly subscribed by the Clerk of the same Taxation. And they all (at the least so many of them as shall convene for this effect with one consent) shal distribute the same to be payed by every man, as well by the Prelat, Lord of erection, and present possessor of small benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships, and

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and small benefices, as by the Vassall, Fewer, Taks-man, and Pensioner, according to the great and small quantitie of the free rent, which every one of them hath either of their lands, teinds, or pensions : with certification to any of the said persons, Fewers, Vassals, Taks-men, and Pensioners that compear not by themselves or their procurators at the day and place above specified to the effect foresaid; That such as shall convene with the said Prelates, Lords of erections, Patrons, or other beneficed persons, or their procurators shall proceed in the equall distribution of the same Taxation, as well amongst them that are absent as present, and shall make and subscribe an authenticke tax-roll thereupon. And in case that none of the said Vassals, Fewers, Taks-men, and Pensioners, shall convene at the day and places above specified, to this effect by themselves or their procurators, but shall wilfullie absent themselves from the said meeting: It shall be lawfull for the said Prelates, Lords of erections, Patrons, and other beneficed persons, being present by themselves or their procurators at the day and places above specified, to make, set down, and subscribe the same tax-roll: And in case any of the said Prelates, Lords of erections, Patrons, or other beneficed persons, shall not convene by themselves, or their procurators, at the day and places above specified, particularly designed to everie one of them, It shall be lawfull for the said Vassals, Fewers, Taks-men, and Pensioners, at the least so many of them as shall convene by themselves or their Procurators, to make, set down, and subscribe the said tax-roll. Which tax Roll shall contain the particular sum that everie one shall be found justly to be addebted to pay, the parties name addebted to pay the same, and the cause wherefore the same ought to be payed. And being so set down either by the Prelates, Lord of erection, Patron, and other beneficed person, or their lawfull Procurators, with so many of their Vassals, Sub-vassals, Fewers, Taks-men of teinds, Pensioners, and others obliged to relieve them of any part of the same taxation, as shall convene with them to this effect : And in case that none shall convene with them, the said roll being then set down by the Prelat, Lord of erection, Patron, or other beneficed person, or their lawfull Procuratours, or in case of their absence being set down, made, and subscribed by the most part of the said Vassals, Fewers, Taks-men, and Pensioners by themselves, or their Procuratours as shall convene themselves for this effect; His Majesty and the said Estates decern to be as lawfull in all respects, as if the whole number of persons having interest therein, had convened, made, set down, and subscribed the same. which tax-roll being so set down, made, and subscribed in maner above-written (and no otherwise) and delivered to the Clerk of the taxation; His Majesty and the said Estates ordaine him to give warrant for giving of letters of relief thereupon, discharging him in any case to give warrant for giving of letters of relief upon any roll presented unto him, not made and authentickly subscribed in form above-written, as he will answer to the contrarie upon his perill.

It is likewise statute and ordained, that Taks-men of teinds shall have their relief of their sub-taks-men, *pro tanto*, respect being had to the gersome payed by the said sub-taks-men. And for inbringing of the Barrons and free-holders part of the same taxation, and of the fewers and rent-tellers of our sovereign Lords proper lands their parts thereof : Ordain letters to be direct, charging all and sundrie Sheriffs, Stewarts, Bayliffs, their Deputes and Clerks, Fewers, Chamberlanes, and Receivers of our Sovereign Lords proper lands; that they and every one of them within the bounds of their proper offices, raise and up-lift the sum of thirtie shillings money of this Realm, of every pound land of old extent lying within the bounds of their jurisdictions, for every one of the six termes above-specified. And inbring and deliver the same to the collector foresaid, or to his Deputes and Officers in his name, having his power to receive the same at the particular termes above specified, under the pain of rebellion, &c. And if they failye at the by-passing of every one of the said termes, to denounce and etcheat, &c.

And for their relief, that letters be direct, charging all & sundrie Dukes, Earls, Lords, Barons, Free-holders, Fewers, and Renttellers of our Sovereign Lords Proper lands, personallie, or at their dwelling places, and by open proclamation at the Market crosse of the head burgh of the Sherifffdom, Stewartrie, Baylerie, where their lands ly, if they be within the Kingdom, and if they be without the Kingdom, by open proclamation at the market crosse of *Edinburgh*, peir and shore of *Leith*, upon threescore dayes warning: to make payment to the said Sheriffs, Stewarts, and Bayliffs, their Deputes and Clerks, Chamberlanes, and receivers of our Sovereign Lords proper lands, every one of them for their own parts *respectively*, of the said sum of thirtie shillings money foresaid, for every pound land of old extent, pertaining to them for everie one of the said six termes payment, Within twentie dayes next after they be charged there-to, under the pain of rebellion, &c. And if they failye, &c. To denounce and escheat, &c. And if need be, that the said Sheriffs, Stewarts, Bayliffes, their Deputes and Clerks, Chamberlanes, and Receivers of our Sovereign Lords proper lands, poind and destrenyie the readiest goods and gear being upon the said lands therefore, as they shall think most expedient. And that the said Earls, Lords, Barons and Free-holders, Fewers, and Renttellers of our Sovereign Lords proper Lands have letters for their relief, to charge their Vassals, Subvassals, Ladies of Terce, Coniunct-feeers, and Life-renters, to make payment of their parts of the said Taxation, within twentie daies next after the charge, under the pain of rebellion, &c. And if they failye, &c. To denounce, &c. And escheat, &c. And if need be, that they poynd, and distrenyie therefore. Providing alwaies, that the first termes payment of the said Taxation be ever past, before the next term be charged for. And for in-bringing of the burrowes part of the same taxation, ordains letters to be directed, charging the Provest and Bayliffs of ilk Burgh, to make payment of the taxt and stent thereof, to the Collector generall aforesaid, his Deputies, and Officers in his name, having his power to receive the same at the particular terms above-specified, under the pain of rebellion, &c. And if they failye, &c. To denounce and escheat, &c. And for their relief, that letters be direct, charging the Provest, Bayliffs, and Councell within each burgh, to convene and elect certain persons to stent their neighbours. And the said election being made, to charge the persons elected, to accept the charge upon them, in setting of the said stent upon the inhabitants of every burgh, and to convene and set the same, and make a stent roll thereupon, as effeirs, within twentie four hours next after their charge, under the pain of rebellion, &c. And if they failye, &c. To denounce, and escheat, &c. And such like, the said stent Roll being made and set down, as said is, To charge the Burgeses, In-dwellers, and Inhabitants within ilk burgh, to make payment of their part of the said stent, to the said Provest and Bayliffs, conform to the taxt roll to be given out thereupon, within three dayes next after the charge, under the pain of rebellion, &c. And if they failye, &c. To denounce, &c. and escheat, &c. And if need be, that the said Provest and Bayliffs poynd and distrenyie therefore, as they shall think most expedient. It is alwayes provided, that no person whatsoever be stented or taxt within burgh, except according to the availe, and quantitie of his rent, living, goods, and gear, which he hath within burgh: no wayes respecting his lands, nor possessions, which he hath to Landward; for the which he will be obliged to pay taxation to other officers: Providing alwayes, that the first termes payment of the said taxation be ever past, before the next term be charged for.

Attour, His Majesty, and his said Estates decern and declare, that the charges to be given for payment of the said taxation, shall be executed before the terms of payment above-specified, for everie terms payment particularly by it self: And that the denunciation of horning following thereupon, shall not be execute untill the termes payment be by-past, and twentie daies thereafter. Which denunciation so following, upon the charges given before the said termes of payment, His Majesty and Estates decern and declare, to be valid and sufficient.

And

And His Majesty, and the said Estates considering the great abuse which hath been used in all time by-gone by sundrie of the Lieges of this Kingdom against all good conscience, in causing of their poor Farmerers, Tenants, and Labourers of the ground being removeable, who are subject in payment of very dear Fermes and other duties, to relieve them of the whole burden of by-gone taxations, which hath been the occasion of impoverishing a number of the said Farmerers, labourers, and tenants, and bringing of them to utter wrack and ruin, whereas of reason they should be altogether free from payment of any taxations, And the same should be payed by such as have free rents, lands, and goods of their own. For remedie whereof, it is statute and ordained that no persons whatsoever exact or compell his tenants, or fermerers removeable, who payes term, and other dear duties for the lands occupied by them, to pay any part of this present Taxation, or to seek relief at their hands of the same. And if the same be found done by any persons, that they shall be called and convened therefore before His Majesties Justice, and his Deputes, or before His Majesties Councill as violent and masterful oppressors of His Majesties subjects, and punished therefore according to Justice.

And further, the said Estates, beside the ordinatie taxation above-written, have for the space of six years next, and immediately following the term of Martinmasse, 1634 years, freely and voluntarily granted to His Majesty a yearly extraordinary taxation of the sixteenth pennie of all annuall-rents, which any person or persons within this Kingdom hath freely due and payable unto them, yearly and termly, (their own annuall-rents, wherein they are addebted to others being first deduced.) The first termes payment thereof shall be, and begin at the said Feast and terme of Martinmasse, 1634, yeares: and so forth yearly and termly at Martinmasse and Whitunday, untill the said six yeares and twelve termes payment thereof be fully and completely out-run. And whereas His Majesty and Estates have by act of Parliament authorised all and sundrie heretable Sheriffs, Stewarts, Bayliffs, and Bayliffs of regalities, and their Deputes, and the Provests and Bayliffs of free burrowes within the bounds of their jurisdictions, as likewise the Clerks within the jurisdictions where these offices are not heretable: which Clerks have their offices (*ad vitam*) To collect the said extraordinarie taxation, and to make payment thereof to the Collector generall of the same taxation. Therefore, and for inbringing of the said extraordinarie taxation, Ordains letters to be direct, charging all and sundry the said heretable Sheriffs, Stewarts, bayliffs, bayliffs of regalities, and their Deputes and Clerks, and the said Provests and bayliffs of free burrowes, and their Clerks: as likewise the Clerks within the jurisdictions where these offices are not heretable, that they and every one of them by North the water of Dee within the space of fifteen dayes after every term of Martinmasse and Whitunday: and that they and every one of them by South the water of Dee within the space of ten dayes after every term of Martinmasse and Whitunday, deliver to His Majesties said Collector generall, a true and just accompt and inventar of the whole sums of money due to be payed by any person within the bounds of their jurisdiction, for his part of the said extraordinary taxation, And that they give up the same compt & inventar upon their oath, solemnly sworn, that the same is just and true: And to make payment to His Majesties said Collector generall, or to his Deputes in his name, having his power to receive the same, of the whole moneys due to be payed to His Majesty, conform to the said compt and inventar, within twentie dayes after each term, under the pain of rebellion. And in case the said Sheriffs, Stewarts, Bayliffs, Bayliffs of regalities, their Deputes, and Clerks, failye, &c. To denounce and elcheat, &c. For whose relief that letters be direct, charging all and sundrie the said annuall-renters, to make payment to the said Sheriffs, Stewarts, Bayliffs, Bayliffs of regalities, their Deputes and Clerks, Provests, and Bayliffs of free burrowes, of the said sixteenth pennie of all annuall-rents, freely due and payable to them, within

within twentie dayes next after the charge, under the pain of rebellion, &c. And if they failye, &c. To denounce, &c. And if need be, That the said Sheriffs, Stewarts, Bayliffes of Regalities, Clerks, Provefts, and Bayliffs of free burrowes, poynd and distrenge therefore, as they shall think most expedient.

And His Majesty and the said Estates, ordain the Lords of Session, to be onely Judges to all suspensions to be craved and suted by any of our Sovereign Lords Lieges touching the said taxations; Which suspensions, the said Estates find may be granted upon lawfull and equitable reasons to be considered by them: And discharge all other Judges within this Kingdom, of granting of any suspensions thereant. With power to the said Lords, To delegat five at the least of their ordinary number, as they shall think expedient, To sit, cognosce, and decide the said suspensions, in time of vacance, if need be. And sicklike, to depate Commissioners for trying and judging of concealements, with als ample and full power to be given to them, as the said Lords of Session, by vertue of this present Act, have.

A C T. III.

Anent His Majesties Royall Prerogative and Apparell of Kirk-men.



OUR Sovereign Lord, with advice, consent, and assent of the whole Estates, acknowledging His Majesties Sovereign Authority, Princely Power, Royall Prerogative, and Priviledge of his Crown, over all Estates, Persons, and Causes whatsoever within this Kingdom, Ratifies and approves the Act of Parliament, made in the year, 1606. anent the Kings royall Prerogative, and perpetually confirms the same, for his Highnes, his Heirs and Successors, als amply, absolutely and freely in all respects, as ever any of His Majesties royall Progenitors did possesse, and exercise the same. And withall remembring, that in the Act of Parliament made in the year, 1609. anent the Apparel of Judges, Magistrates, and Kirkmen: It was agreed, That what order soever His Majesties Father of blessed Memorie should prescribe for the apparell of Kirkmen, and send in Writ to his Clerk of Register, should be a sufficient Warrant for inserting the same in the bookes of Parliament, to have the strength of an Act thereof: Have all consented, that the same Power shall remain with the Person of Our Sovereign Lord, and His Successours that now is, And with the same clause for execution thereof, as in the said Act is contained,

A C T. II II.

Ratification of the Acts touching Religion.




OUR Sovereign Lord, With advice and consent of the Estates, ratifies and approves all and whatsoever Acts and statutes made before, anent the libertie and freedom of the true Kirk of God, and Religion presently professed within this Realm, And ordaines the same to stand in their full force and effect, as if they were specially mentioned, and set down herein.

A C T

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ACT V.

Ratification of the Act of Councill anent Plantation of Schooles.

 UR Sovereign Lord, With the Advice of the States, ratifies the Act of secret Councill, dated at *Edinburgh* the tenth day of December, one thousand six hundred and sixteen years, made anent the planting of schooles, with this addition, That the Bishops in their severall Visitations, shall have power with consent of the heritours and most part of the Parishioners, And if the heritour being lawfully warned refuses to appear; Then with consent of the most part of the Parishioners, to set down and stent upon everie Plough or Husband Land, according to the worth, for maintenance and establishing of the said Schooles. And if any person shall find himself grieved, it shall be lawfull to him to have recourse to the Lords of secret Councill, for redresse of any prejudice he may or doth sustaine. And ordaine letters to be direct, for charging of the possessours for the time, to answer and obey the schoole-masters of the duties that shall be appointed in manner foresaid.


ACT VI.

Against the inverting of Pious Donations.

 UR Sovereign Lord, With the Advice of the Estates, understanding that certain persons piously disposed, have of late bestowed certaine giftes in Lands, heritages, and sums of money, in favours of Colledges, Schooles, Hospitals, and other pious uses, which by the Administrators, and such others as they have entrusted with the managing thereof; are inverted to other uses than the Will of the disposer, upon some specious pretences, contrarie or different from the Disponers intention, to the evill example of others, and the hinderance of such and the like charitable works, against all reason and conscience. Therefore it is statute and ordained, that it shall no wayes be lawfull to alter, change or invert any of the said gifts, legacies, and other pious donations, to any other use than that specifick use whereunto they are destinate by the Disponer himself. And that the Heires, Executors, or others entrusted with the said gifts and legacies shall be comptable for the same, to the use of the Kirks, Colledges, and others to whom the said dispositions were made: And that actions shall be competent either to the said Kirks, Colledges, and others, to whom the same were disposed, or to the Bishops and Ordinaries within the Diocesses where the said Kirks, Schooles, and others above-specified ly, for compelling them to apply the same to the true use, And to make compr and payment of the ordinarie profits of everie years intromission, at the rate allowed by the Lawes of the Realm, by and attour the fulfilling of the Disponers Will. And this Act to be extended to all Dispositions made at any time, since the majoritie of King *James* the Sixth, or to be made hereafter in all time comming. And that letters of horning be direct at their instance, by deliverance of the Lords of Session without citation of parties.

ACT VII.


Anent invading of Ministers.

 UR Sovereign Lord, With the advice of the Estates, ratifies and approves the Act of Parliament made in the year of GOD, one thousand five hundred fourscore and seven years, anent the Invaders of Ministers, with this explanation and addition, That whosoever invades any Minister, or puts any violent hands on him, by themselves, their men, servants, or any others by their hounding out, direction, or allowance, for

for whatsoever cause or occasion; whether the same be for the cause contained in the said Act, or for any other cause, otherwise than by order of Law; or doth offer violence to them, shall incur the like pain as is contained in the said Act, and shall be judged after the form and manner therein prescribed. And declares, that the same shall be extended to all Archbishops, Bishops, and Ministers whatsoever, having power by lawfull warrant to preach, and administer the sacraments. And because the malice of some is such, that the invasion and violence foresaid may be committed by lawlesse and unresponfall men, the hounders out of whom cannot be gotten detected; so as the benefite of this Act, and the indemnitie of the said Church-men and their foresaids may be frustrate. Therefore it is statute and ordained, That the Landlords, and Heritors, and chiefe of Claimes, and others in whose bounds the said offenders dwell, or haunt ordinarily, shall be holden, upon the complaint of the partie offended to the Lords of His *Majesties* secret Councell, to exhibite and produce the said malefactors before the said Judges, to be censured and punished corporally, or otherwise in their estates, if they be responfall, at the discretion of the said Judges. And if it shall happen the said offenders to absent and remove themselves out of the bounds of the said Heritors and Landlords, and others on whom they depend, so that the said Landlords, Heritors, and others foresaid, may pretend that it is not in their power to exhibite the foresaid delinquents: Therefore it is statute, that if after the giving in of the said complaint before the said Judges, and certiorating of the said Landlords, and others foresaid, either by citation, charge, or intimation, or any other Legall manner of way, if the said delinquents shall be found within the bounds of the said Landlords, and others foresaid, haunting publickly and openly by the space of ten dayes; That then and in that case the said Landlords, and others foresaid, shall be esteemed as connivers with the delinquents, and be obliged under the like censure and punishment, to exhibite them to the Councell.

ACT VIII.

Ratification of the act of Commission anent the Ministers Provisions.

 OUR Sovereign Lord, With the advice and consent of the Estates of Parliament, ratifies and approves the Act of Commission of Surrenders and Teinds of the date at *Holy-rude-house* the twenty sixth day of *June*, the year of GOD, 1627. years, whereof the Tenor follows. The Commissioners after reasoning upon the lowest proportion and provision, wherewith the Ministrie serving the Cure at each Kirk, shall be provided, Have found it meet and expedient, that the lowest proportion shall be eight Chalder of Victuall, where victuall is payed, or proportionally in silver or victuall as the Commissioners shall appoint, at the setting of the Kirk, and according to the Estate of that part of the Countrey, where the payment of the spend shall occurre. And think it meet, that the said proportion of eight Chalder of victuall, or proportionally in silver, as said is, shall be the lowest maintenance to each Kirk, except such particular Kirks occurre, wherein there shall be a just, reasonable and expedient cause to go beneath the quantitie now determined.

And His *Majesty*, and Estates foresaid, referre to the Commissioners to be choosen by His *Majesty*, at this present Parliament, The consideration of the reasons and causes, which may move them (after the valuation of the true worth of the Teinds of ilk Parish be closed) To determin and modifie a lesse quantity for the Ministers maintenance, nor the quantie foresaid of eight chadler of victuall, or eight hundred markes in victuall or moneys proportionally; And what the said Commissioners shall determine therein, the same to stand notwithstanding of this present Ratification. And also His *Majesty* and Estates

ratified

ratifie and approve the whole particular Acts of the said Commission of Surrenders and Teinds, whereby stipends are appointed and modified by the said Commissioners already: And ordain the Ministers to whom the same is assigned, to have intromission therewith: And that the Lords of Session direct Letters of horning and poynding, in favour of the said Ministers conform thereto, upon one simple charge of ten dayes allannerly. And also upon all other Acts to be made for plantation of Kirks by the commissioners appointed by His Majesty and Estates for that effect. And it is declared, that these presents shall be without prejudice to the titulars and others, having interest to pursue for rectifying of such valuations, as are or shall be enormously undervalued, and also without prejudice of the ministers maintenance and augmentation proportionally effecting to the true and just worth of the Teind, &c.

ACT IX.

The Kings Generall Revocation.

EOR So much, As our Sovereign Lord, the Kings Majesty, shortly after the decease of His Majesties umwhile dearest Father, King James the six, of ever blessed memorie, for preserving of the libertie and priviledge due to His Majesty by the common law, and by the acts and statutes of the Kingdom; And following the laudable custome used before by his Majesties Predecessours, in making of their Revocations: Did upon the twelfth of October, 1635. make and give forth his generall revocation under his privie Seal, as the same, in the self, at more length bears. And His Majesty being now present in his Royall person, within this Kingdom, and having by GODS grace, favour, and blessing, and with the generall acclamation, joy, and comfort of his Subjects, accepted the Crown thereof, wherein he is gloriously inaugurate, and now holding the first Parliament of his whole Estates of the said kingdom, with whom His Majesty hath advised and resolved anent the said Revocation. Therefore His Majesty, with consent of the three Estates, and whole body of this present Parliament, hath statute, enacted, and ordained, and by these presents, statutes, enacts, and ordaines in manner following.

In the first, His Majesty and whole Estates of Parliament revokes, casses, and annuls all Insestments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Dispositions whatsoever, of any rents, lands, Lordships, Baronies, Heritages, Teinds, Patronages of kirks, offices, priviledges, and others whatsoever annexed to the Principality, or to the Prince, who is second person of the Realm, made, convoyed, signed, or consented unto by His Majesties self in his minoritie and lesse age, or by His Majesties umwhile dearest Father, for himself, as Prince of Scotland; or as Father and lawfull administrator to His Majesty, or to umwhile Prince Henrie His Majesties Brother, of worthie memory, or by the said umwhile Prince Henrie himself or made and granted by His Majesties said umwhile dearest Father; or any other His Majesties Predecessours, Kings of Scotland in their times, to whatsoever person or persons, in hurt and prejudice of the Prince, second person foresaid: or made and granted by His Majesty at any time, preceeding the date hereof, unlawfully, and against the lawes of the Kingdom, the same being tried and found to be so.

Item, His Majesty, with consent of the said Estates, revokes, casses, annuls, repeares, and rescinds all and sundrie Insestments, grants, dispositions, confirmations, and other rights whatsoever, made by His Majesty induring his minority and lesse age, to whatsoever person, or persons, in fee, frank-tenement or otherwise, of the lands, kirks, teinds, patronages, offices, and others pertaining to the Lordship of Dumfermeling, to the which His Majesty succeeded

ed as onely Son and Heire, to His *Majesties* umwhile dearest Mother Queen *Anne*, who was heritably infeft in the said Lordship of *Dumfermeling*. And sicklike, revokes all gifts, alienations, dispositions, and other rights whatsoever, made by His *Majesty*, or his said dearest Mother, unlawfully, and against the lawes of the kingdom, of the said Lordship, or of any lands, teinds, offices, kirks, patronages, and others pertaining to the said Lordship, at any time preceeding the date hereof: the same being so found and verified before the ordinary Judge.

Item, His *Majesty* and Estates foresaid, revokes, casses, annuls, retreats and rescinds all and sundrie infeftments, charters, gifts, donations, confirmations, alienations, pensions, and other dispositions whatsoever, made, convoyed, signed, or consented unto by His *Majesty*, or by His *Majesties* umwhile dearest Father, or by any other His *Majesties* Predecessours, in their severall times, to whatsoever person or persons in any manner of way, in fee, few-ferme, frank-tenement or otherwise whatsoever, of any lands, rents, Lordships, Baronies, Patronages of kirks, customes, annuals, fishings, liberties of fishings, burrow-mails, other rents, castle-wards, or other whatsoever annex to the crown, offices of justiciary, stewartrie, and bailliarie, within the same appertaining thereunto, contrarie to the Acts of annexation made thereupon of before. And where lawfull dissolution of the said annexation was not made by His *Majesty*, his said umwhile dearest Father, and his said Predecessors, kings of Scotland, in their majoritie, with consent of the three Estates of Parliament, in their severall times, for setting of the same in few-ferme, with augmentation of the rental: To the effect the same may be of none availle in time comming, after the date hereof, by way of action, exception, or reply.

Item, His *Majesty*, with consent foresaid, revokes, annuls, retreats, and rescinds all infeftments, donations, alienations, and other dispositions whatsoever made by His *Majesty*, or his said umwhile dearest Father, either in their minoritie to their hurt and lesion, or in their majoritie against the Lawes and Acts of Parliament, to whatsoever person, or persons, of whatsoever lands, rents, annuals, and renewes not annex to the crown, whereof His *Majesties* umwhile dearest Grandmother Queen *Mary*, was in possession before the coronation of His *Majesties* umwhile dearest Father, of happy memorie. And of all offices, such as Chamberlaneries, bailliaries, office of customarie made for moe years, but from the Exchequer, till the compt be made in the Exchequer following, constableries, bailliaries, takes and rentals of His *Majesties* proper lands and rents, above the space of five years, made and granted contrary and against the Lawes and Acts of Parliament of the Kingdom, the same being so found and tryed.

Item, His *Majesty*, with consent of the Estates, revokes, casses, annuls, retreats, and rescinds, all and whatsoever Infeftment, veniale, and other rights whatsoever of any part of the annex property, or of the few-fermes of whatsoever proper lands annex to His *Majesties* Crown made to whatsoever person by His *Majesty*, or his umwhile dearest Father; or any other His *Majesties* Predecessors which are made in diminution of the rental, and hurt of the Patrimoine of the Crown, where the diminution may be proved and verified.

Item, His *Majesty* revokes, casses, annuls, retreats, and rescinds all and whatsoever Infeftments, alienations, and dispositions, made by His *Majesty*, or by his umwhile dearest Father, or any other His *Majesties* noble Progenitors of the few-ferme victuall of any lands pertaining to the Crown, which were lawfully set in few of before, for payment of the few-ferme victuall: and the same few-ferme victuall is set thereafter in few, or otherwise for silver payment: because such a set or few-ferme being so found and tryed, is clearly understood to be to the great abuse, hurt and diminution of His *Majesties* Patrimoine and rent.

Item, His *Majesty* revokes, casses, annuls, retreats, and rescinds all Infeftments,

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ments, alienations, and dispositions, with all tacks, and assedations, and any other sort of conveyances whatsoever made by His *Majesty*, or His *Majesties* dearest Father, or any other His *Majesties* Predecessors, Kings of *Scotland*, against the laws of the kingdom, to whatsoever persons, of His *Majesties* Castles, and Houses, or Places, and Roomes, whereupon the said Castles and houses were situate, although now demolished by injurie done to His *Majesty* and the said Crown. And likewise, all infeftments, alienations, and dispositions and all other sort of conveyances whatsoever, of any of His *Majesties* medowes, woods, and parks, with all tacks, assedations, and other dispositions thereof, made by His *Majesty*, or his predecessors foresaid, against the laws of the kingdom, the same being so found and tried.

Item, His *Majesty* revokes, retreats, and rescinds all and sundrie Infeftments, alienations, gifts, dispositions, or any other conveyances whatsoever, made by His *Majesties* said umwhile dearest Father, or any other His *Majesties* predecessors, Kings of *Scotland*, induring their minoritie and lesse age, and not thereafter confirmed in their majoritie, to whatsoever person or persons in fee, ferm or life-rent, of all lands, and annual-rents which be come in their hands, as propertie by right of the crown, through bastardrie, or being last heire by recognition, or forfeiture, or otherwise with all confirmations, if any be granted in Parliament thereupon: providing that presentation to tennandries fallen by occasion foresaid, shall in no wayes come under this present Revocation, because the same being casualities, could not remaine in His *Majesty*, or his said predecessors hands, in prejudice of the Superior of the said tennandries, but of necessitie it behoved them to present heritable Tenants to the said Superiours,

Item, His *Majesty*, with consent foresaid, revokes, casses, annuls, all new Infeftments, confirmations, and other conveyances whatsoever given by His *Majesties* said umwhile dearest Father, or any other His *Majesties* Predecessors, Kings of *Scotland*; to whatsoever person or persons, of any lands, baronies, Lordships, or other heritages whatsoever: To be holden in blensh term, which were holden of His *Majesty* or his Predecessors of before, by service of ward and relief. And that in so farre as the same is, or may be found and verified, to have been granted against the laws and Acts of Parliament of the Kingdom, without prejudice alwayes to the heritable possessors, in case of reduction of their changed tenors to brooke and hold their said lands heritable, as they were holden before the alteration of the said holding.

Item, His *Majesty* with consent foresaid, revokes, casses, annuls, retreats, and rescinds all Regalities and gifts of Regalities, and all confirmations, and ratifications of the said gifts and regalities, made, given, or granted, or consented to by His *Majesty*, or his said umwhile dearest Father, or any other His *Majesties* Predecessors, Kings of *Scotland*, against the Acts and statutes, that no Regalities should be given in heritage, without advice and deliberation of the whole Parliament, together with all charters, infeftments, confirmations, gifts *de novo damus*: and other rights whatsoever, made by His *Majesty* or his Predecessors above-named, of whatsoever heritable offices, against the laws and Acts of Parliament of the Kingdom,

Item, His *Majesty* with consent foresaid, revokes, casses, annuls, retreats, and rescinds all new creation of lands, baronies, and annexations, and unions of divers lands in fee, which are made by His *Majesty*, or his said umwhile dearest Father, or any other of His *Majesties* predecessors, Kings of *Scotland*, in prejudice of their due service owing of before: Together with all discharges given of the said service, and futes of court due of old: and that in so farre as the same is, or may be found to be unlawfully made or against the laws of the Kingdom.

Item, His *Majesty* with consent foresaid, revokes, casses, annuls, retreats and rescinds, all new Infeftments, made and given by His *Majesty*, or his said umwhile dearest Father, or any other His *Majesties* Predecessors, Kings of

Scotland, of creation of Baronies, and Lordships annex to the Crown foresaid, in favour of whatsoever person, in so farre as the same is, or may be verified, to have been made and granted unlawfullie, and against the lawes of the Kingdom.

Item, His Majesty, with consent foresaid, revokes, casses, annuls, retreates and rescinds all Infeftments, gifts, and dispositions whatsoever, let, given, and granted by His Majesty, or his said umwhile dearest Father, or any other His Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons in fee, few-ferm, or life-rent, of whatsoever Hospitals, Malondien lands, or rents appertaining thereto: in hurt or prejudice of consciences, and against the lawes and Acts of Parliament of the kingdom, to the end, that the said Hospitals may be reduced to to the first institution, for upholding of the poor, so farre as may be done by the lawes of the Kingdom. Providing alwayes, that the rents of the Trinitie Colledge beside the burgh of *Edinburgh* and other rents assigned to the Hospirall and colledge erected by the Provost, Bayliffes, and Councell of the burgh of *Edinburgh*, be no wayes comprehended under this present Revocation.

Item, His Majesty, with consent foresaid, revokes, casses, annuls, retreates, and rescinds all and whatsoever gifts, pensions, gifts of fees, wages, liveries, and dispositions out of His Majesties casualties, and coffers, given by His Majesty, or by any of His Majesties noble Progenitors (except such as shall be of new granted by His Majesty again) together with all Presentations to offices and places, which by the lawes of the Realm fall under His Majesties Revocation, excepting alwayes the presentations, fees, and pensions given to the ordinary officers of the Crown after specified; their Deputes, and Clerks, and to the other persons after mentionate, which are declared no wayes to fall within this present Revocation: They are to say, The fees and pensions given and assigned to the Thesaurer, Comptroller, and Collector principall: and to His Majesties depute Thesaurer, and to their Deputes and Clerks: to the Secretary principall, and his Deputes: To the Clerk of Registry, to His Majesties Advocat, and the Justice, Justice Clerk, and their Deputes, and to the Master of Requests, and to the Proctor for the poor, director of the Chancellarie, and dictator of the Rolls. And also declares the pensions and others underwritten, no wayes to fall under His Majesties Revocation, viz, The pension to the Duke of *Lennox*, his umwhile Father or Uncle: The pension to the Earl of *Morton*, with the tack and assedation of *Orkney* and *Zetland*: The pension to sir *Robert Ker* of *Amisburgh*: the pension to Master *John Sandolands*: the pension to Sir *James Lokert*: the pension to sir *James Levingston*: the pension to sir *William Balfour*: the pension to *Halbert Maxwell*: the pension to sir *James Carmichel*: the pension to sir *James Ramsay*: and the pension to sir *John Murray* of *Revilrige*, which His Majesty and Estates declare shall stand in effect, notwithstanding of this present Revocation.

Item, His Majesty, with consent foresaid, revokes, casses, annuls, retreates, and rescinds all gifts, pensions, and free discharges of the thirds of benefices, granted by His Majesty, or his said umwhile dearest Father, or any other His Majesties Predecessors, Kings of *Scotland*, to whatsoever person or persons, against the lawes and Acts of parliament of the Kingdom, with all tacks of thirds of benefices whereby the rental due is diminished, or where the whole benefice is set and disposed in diminution of the third thereof, in so farre as the same is contrarie to the lawes of the Kingdom, as said is.

Item, His Majesty with consent foresaid, revokes, casses, annuls, retreates, and rescinds all and whatsoever Infeftments, made by His Majesty or his said umwhile dearest Father, or any other His Majesties predecessors, of any Church-lands, Fryer-lands, Monk-lands, or common lands, which any wayes fell, and became in their hands as propertie, and that in so far, as the same is, or may be verified to be made contrary, and against the lawes and acts of Parliament of

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of the Kingdom, reserving alwayes the infeftment made for erection and sustentation of Hospitals, and Ministers within Burrowes, where there is no assignation nor stipend allowed forth of the thirds of benefices, for sustentation of the Ministers thereof: And declares that all such infeftments of church lands as is before exprimed, falls under this revocation, if the person or persons, and their successors, to whom the same have been dilponed, have not answered and performed the cause and ends expressed in the said Infeftments, and for the which the said Infeftments was granted by His Majesty and his Predecessors, as said is.

Item, His Majesty, with consent foresaid, revokes, casses, annulls, retreats and rescinds all attacks, assedations whatsoever of any common Churches within the Realm of Scotland, made by His Majesty, or his said umwhile dearest Father, or any other His Majesties predecessors, Kings of Scotland, in so far as the same is or may be found and verified to be made against the Lawes and Acts of Parliament of the Kingdom; Providing alwayes, that there shall be sufficient Ministers appointed to serve the said Churches, who shall make residence, and shall be sufficiently sustained of the readiest fruits of the said common Kirks, according to the generall order taken thereanent.

Item, His Majesty, with consent foresaid, revokes, casses, annulls, retreats and rescinds all gifts of Monkes portions, first fruits, or fifth penny of any benefices, whereunto His Majesty hath right by the Acts of Parliament made before to that end; And that in so farre as the said gifts are or may be found to be granted against the Lawes of the Kingdom.

Item, His Majesty, with consent foresaid, revokes, casses, annulls, retreats and rescinds all gifts and infeftments, made, done, and consented unto, to whatsoever person or persons by His Majesty, or His Majesties said umwhile dearest father, or any other His Majesties predecessors, Kings of Scotland, of whatsoever advocation, donation, and right of patronage given or annexed to any Lordships, Lands, or Baronie where the said Patronage, advocation and donation of benefice pertained not before of right, but which taketh the beginning and ground from any gift and infeftment thereof made with this clause (*de novo datum*) where the purchaser of the said infeftment had no right to the said Patronage, advocation and donation of before. And that in so farre as the same is or may be found to be granted against the Lawes and acts of Parliament of the Kingdom.

Item, His Majesty, with consent foresaid, revokes, casses, annulls, retreats and rescinds all gifts, dispositions of superplus omitted of the fruits of benefice, given by His Majesty, his said umwhile dearest Father, or any other His Majesty Predecessors, Kings and Queens of Scotland in so far as the same is or may be found and verified to be granted against the Lawes and Acts of Parliament of the Kingdom.

Item, His Majesty, with consent of the Estates, revokes, casses, annulls retreats and rescinds all grants and infeftments of erections, of whatsoever abbacie or other prelacie, in whole or in part, temporalitie or spiritualitie thereof, made and granted, or consented unto by His Majesty at any time preceding the date hereof, To and in favour of whatsoever person or persons, and declares the same null and of none avail, by way of action, exception, or reply: And als His Majesty and Estates, revoke all infeftments of Erections made and granted by His Majesties said umwhile dearest Father, or any His Majesties Predecessors, Kings or Queens of Scotland, of whatsoever Abbacie, Priorie, Nunnerie, Preceptorie, or any other Erected benefice whatsoever, of whatsoever nature, qualitie, or condition, whereof the presentation should pertain to His Majesty, if the same were not erected in a temporall Batonie, Lordship, or Living, or of any part or pendicle thereof, either spiritualitie or temporalitie of the same, to and in favour of whatsoever person or persons; And that in so far as the same is, or may be verified to be granted, against the generall Lawes and Acts of Parliament

ment of the Kingdom. And to that effect revokes, casses, retreates and rescinds all acts, statutes, and dissolutions of any of the said erected benefices, lands or teinds of the same, whereupon the said infestments of erections are, or have been founded: And that in so far as the same is, or may be found and verified, to be contrary to the generall Laws, Acts of Parliament, and Statutes of the Kingdom, as said is.

And generally His *Majesty*, with consent foresaid, revokes, casses, annuls, retreates and rescinds all acts, constitutions, dispositions, grants, conveyances, ratifications, and all other things whatsoever done or consented unto by His *Majesty*, at any time preceeding the date hereof, or by his umwhile dearest Father, or any other His *Majesties* Predecessors, Kings and Queens of *Scotland*, in detriment of their soul and conscience: in hurt and detriment of the Crown and Church, and contrarie to the Laws and Acts of Parliament of the Kingdom. And wills and declares, that these presents shall be als amply extended, and to be of als great effect in generall and speciall, as any revocation made by any of His *Majesties* royall Predecessors before the date hereof, contained in the books of Parliament, Which in all heads, clauses, and circumstances thereof are holden as here repeated.

And also His *Majesty*, with consent of the Estates, ordaines and decernes, that albeit it shall happen His *Majesty* for any respect or consideration, to suffer any person or persons, to use or possess any priviledges or possessions, lands, rents, offices, which are fallen under the compasse hereof. That it shall make no right to the users and holders thereof, but it shall be lawfull to His *Majesty* and his successors to intromit therewith, when ever it shall please them by vertue of these present acts and consuetudes of the realm made before, without any obstacle, impediment or contradiction.

A C T X.

Anent annexation of His Majesties Propertie.



OUR Sovereign Lord, With advice and consent of the Estates of this present Parliament, ratifies and approves the whole acts of annexation of whatsoever lands, Lordships, and Baronies annexed to the Crown by His *Majesties* umwhile Father, or any other His *Majesties* Predecessors. And farther, His *Majesty* and Estates foresaid, and without derogation of the former annexations, of new annexes the same to the crown; to remain therewith for ever according to the conditions and provisions contained in the former acts of annexation of Lands to the crown; and specially of the act of annexation made in the dayes of King *James* the second, in the moneth of *August*, 1455.

Attour, His *Majesty* with consent foresaid, declares the right and title of Superioritie of all and sundrie lands, baronies, milnes, woods, fishings, towers, fortalices, manour places, and whole pertinents thereof, pertaining to whatsoever Abbacies, priories, priories, preceptories, and whatsoever other benefices of whatsoever estate, degree, title, name, or designation the same be of, erected in temporall Lordships, baronies, or livings, before or after the generall act of annexation of kirk-lands, made in the moneth of *July*, 1587. years: together with the whole few-mails, few-fermes and other rents and duties of the said Superiorities To be annexed, and to remaine with the Crown for ever: Reserving to such Lords and titulars of erections, and each one of them, who have subscribed the generall surrender, the few-mails, and few-fermes of their said superiorities, aye and while they receive payment and satisfaction of the sum of a thousand marks, usuall money of *Scotland*, for each chaldar of few-ferme victuall over-head, and for each hundreth marks of few-mails, and for

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for each hundredth mark worth of all other constant rent of the said Superiorities, not consisting in victuall or money, and not being naked service of Vassals, according to the tenor of His Majesties general determination, and according to the conditions therein exprest: And reserving to them and to all other titulars of erection, their proprietie and proper lands to be holden of His Majesty and his successors, in few-ferme for payment of the few-ferme duties, and other duties contained in the old infeftments made to them, their predecessors, & authors before the said Act of annexation. Likeas His Majesty and Estates foresaid, findes and declares that all titulars of erection without exception, shall hold their proprietie and proper lands of His Majesty and his successors, in few-ferme, for payment of the few-ferme duties contained in the infeftments granted to them and their forefairs, before the said Act of annexation, and no otherwise. And His Majesty and Estates declares all rights and deeds whatsoever, made and granted to whatsoever person or persons preceeding the date hereof, which may prejudice His Majesty and his Successors, in the peaceable brooking, enjoying, and possessing of the said Superiorities and few-ferme duties above. Specified (excepting and reserving as said is) To be null and of none avails, force nor effect by way of action, exception, or reply.

And likewise, His Majesty and Estates ratifies and approves the Acts of Parliament made by His Majesties said umwhile dearest Father, of eternall memorie: The fifteenth Parliament, Cap. 233. intitulate, Anent the annexation of the Kings annexed proprietie. Together with the 234. Act of the said Parliament, intitulate the annexed proprietie may not be disposed, but in few-ferme allanerly. And also the 236. Act of the same parliament, intitulate disposition of the annexed proprietie, made before the dissolution, or not conform to the conditions thereof is null. And likewise, the 243. Act of the said fifteenth Parliament, intitulate anent ratifications or dispositions made in Parliament: And ordaines the same to have full force and effect in all time coming. And declares all deeds done in contrary thereof, to be null and of none avails by way of action, exception, or reply. It is alwayes declared that under this present Act nor no clause thereof, shall no wayes be comprehended the temporall lands, superiorities, and others pertaining to whatsoever Archbishops, Bishops, and their Chapters: but that the same shall remaine with them and their successors unhurt or prejudged by this present Act.

ACT XI.

Of Dissolution.

FOR so much, As albeit the lands, Lordships, Baronies, and others of old, are lately annexed to the Crown, were and are, for great and weighty considerations, tending to the weale of the Crown and whole Realm, Ordained to remain with our Sovereign Lord, and his Successors for ever. And not to be disposed nor alienated in fee nor life-rent, to whatsoever person or persons, without advice of the three Estates of parliament, and for profitable and seen causes, tending to the weale of the whole Realm: Yet nevertheless, it hath been ever thought expedient in the dayes of our Sovereign Lords most glorious Predecessors: And no wayes derogatorie to the conditions of the said annexations, but agreeable thereto, as tending to the publique weale of the Crown and kingdom; that the annexed and proper lands should be set in few-ferme for increase of policie and augmentation of the rental: And His Majesty being well pleased to observe and follow the order kept by His Majesties predecessors foresaid, went His Majesties annexed proprietie.

Therefore His Majesty, with consent of his three Estates of Parliament, statutes and ordaines, that it shall be lawfull to His Majesty, enduring his time, to

to set all and sundrie lands, Baronies, Lordships, milnes, fishings, and other His *Majesties* proper lands both of the old and new annexed propertie, and of the temporalitie of kirk-lands in few-ferme, so that it be not in diminution of His *Majesties* rentall, gresssumes, and other duties: but in augmentation thereof: providing alwayes that this present dissolution shall no wayes be extended to the setting in few-ferme of any of our Sovereign Lords Castles, Palaces, Yards, Woods, Parks, Forrests, pastures for sheep and nolt, and in speciall the Lomonds of *Falkland*, Coalheuches, and offices: But the same to remain inleparablie annext to the Crown, notwithstanding of this present dissolution. And declares that this present dissolution shall endure for the life-time of our Sovereign Lord, the Kings *Majesty*, who now is allanerly. So that the lands and other foresaids, which he sets in few-ferme in his time, with the condition foresaid, shall stand perpetuallie, to and in favours of the receivers thereof, their heires and successors, and after his deceale, the annexations made at this present Parliament, and of before shall returne to the own nature.

A C T XII.

Ratification of the Acts of Interruption.

OUR Sovereign Lord, and Estates of Parliament, ratifies and approves the Act of the Lords of Councill and Session, of the date at *Edinburgh*, the penult of March, 1630 yeares: anent the interruption of the Act of prescription, in favour of His *Majesty* and his successors, together with the act of secret Council, of the date at *Holyroodhouse*, the twentieth sixth day of *May*, 1630 yeares. Whereby the said Lords of secret Councill have allowed and approved the said Act: And ordaines the said Acts to be insert in this present ratification. And His *Majesty* and Estates declares the said acts to have the full force, effect and execution of a law, statute and Act of Parliament, in favour of His *Majesty* and his successors in all time coming.

Followeth the tenor of the Act of Councill and Session.

AT *Edinburgh*, The penult day of *March*, the year of GOD, 1630 yeares. The which day in presence of the Lords of Councill and Session compared personally sir *Thomas Hope* of *Craig-hall*, Knight Baronet, His *Majesties* Advocat, and presented a letter directed from His sacred *Majesty*, wherof the tenor followeth.

R E X.

Right trustie, and right well beloved Cousin and Counciller, and trusty and welbeloved, We greet you well. Whereas by Act of Parliament made in the moneth of *June*, 1617. yeares, all heretable rights clad with fourtie years possession, are declared to be irreduceable in all time coming, except the same be quarrelled within the space of fourty yeares: And by the same Act there is libertie granted to all persons, who might be prejudged by the said prescription of fourty yeares already run and expired, before the date of the said Act. To intend their actions within the space of thirteen yeares after the date of the said act: And whereas we, shortly after the deceale of our dearest Father, of eternall memorie, made our generall revocation in the moneth of *October*, 1625. yeares. Which revocation we by two speciall letters of declaration, one of the date at *White-hall* the twentieth sixth day of *January*, 1626. yeares: And registrate in the bookes of secret Council the ninth of *February*, 1626 yeares. And an other of the date at *Wainsted*, the eleventh of *July*, 1626 yeares: And registrate in the bookes of secret Councill upon the twentieth one of *July*, 1626 yeares. Have restricted to the annulling of rights of the propertie of the Crown, as well annexed as unannexed, wherof accompt hath been made in Exchequer, and of the Principalitie unlawfully disposed by our Predecessors: against the lawes and Acts then standing, and to the annulling of erections

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erections and other dispositions of whatsoever lands, teinds, patronages, and benefices formerly belonging to the Kirk, and since annex to the Crown. And of any other lands and benefices mortified and devoted to pious uses: And of Regalities and heritable offices, and of the change from the ancient holdings of ward and relief to blensh or taxt ward, since the year of God 1540 years. And because We were unwilling to enter in proceſs with our Subjects anent the premisses, but rather desired to take a fair course with all such as would voluntarily treat with Us or our Commissioners there-anent.

Therefore We were pleased by our commission of the date at *White-hall* the seventeenth day of January, 1627 years, to appoint certain of our Nobilitie, Clergie, Gentrie, Barons, and Burrowes, to be commissioners, to treat and deal betwixt Us and our Subjects, anent the premisses. And albeit the said commission hath made a good progress in the said matter of erection and teinds: and that a great number of our subjects, having interest therein, have subscribed to us general submissions, whereupon We have given forth our several determinations for the good of our Subjects, and establishing of the perpetual quietnesse, and peace of that our ancient Kingdom; Yet it is certain that many of these who have interest in erections and teinds, lye forth, and have not subscribed the said general submissions. Like as also the remanent points of our said commission anent the patronage of Kirks, rights, and infeftments of our Propertie, and Principalitie, Regalities, Heretable offices, and Changed tenours of holding in blensh or taxt Wards, are not as yet begun to be handled and treated, and cannot be possibly finished and closed, before the expiring of the time and years of interruption, allowed by the said Act. And because We will not suffer our self or our Successors to be prejudged by delay of the execution of the said commission of the lawful actions competent to us and them, for reducing of such rights of the premisses, to the which We have undoubted interest. And seeing a multitude cannot be commodiously summoned and warned personally, or at their dwelling places in so short a time as is to run of the said time of prescription: Therefore, and for preservation of our rights and actions competent to us and our Successors anent the premisses; Necessary it is, that some solemn Act be done by us, to testifie our will and resolution, to prosecute our said actions in the own time, if the same be not taken away and removed by the said commission, which we think cannot be more properly and conveniently done, nor by inserting of this our declaration in your Books of Session, and directing of Letters of publication thereupon: certifying all our Lieges who have interest in the premisses, by open proclamation at the market crosse of our burgh of *Edinburgh*, and other places needful, of this our pleasure, will, and declaration. And that the same be declared by you, to have the strength, force, vertue, and power of a legal and perfect interruption. And therefore, We require you immediatly after the sight hereof, to cause insert these presents in your books of Session: and to declare the same to have the force of a legal and lawful interruption, and to direct Letters of publication thereupon, in forme as effects. Which, not doubting you will do, We bid you farewell. From our Court at *White-hall*, the twenty ninth day of November, 1629 years. With the which letter, tenor, contents, and desire thereof, after that the same with the act of Parliament whertunto it is relative, was read in their whole presence; The said Lords being well and ripely advised, and having considered the justice and equity of his Majesties will and pleasure therein contained: they have ordained and ordain the said letter and declaration therein contained, to be insert, and registrat in their books of *Sederunt*: and ordain Letters of publication to be direct and pass thereupon, certifying all his *Majesties* Lieges who have interest, by open proclamation at the market crosse of *Edinburgh*, and other market crosses of the Kingdom, where the lands, Baronies, and others underwritten lye: or where the persons and subjects dwell and remain, against whom the said declaration is to have the effect of a legal interruption, in manner following

ing. And by open proclamation at the said market crosse of *Edinburgh*, Pier and shore of *Leith*, for all such of His *Majesties* Lieges, who are forth of this Realm, of his *Majesties* pleasure, will, and declaration, and of the said Lords their decreet, and authority interponed thereto. Like as the saids Lords Declare, that the said declaration registrate as said is, and to be published in manner foresaid, shall have the strength, force, and power of a legal and perfect interruption, against all persons having interest: and that in so far alannerly as may be extended to the particulars following: To wit, To His *Majesties* annexed propertie, and His *Majesties* propertie unannexed, whereof the termes duties or few-fermes have been compted in His *Majesties* Exchequer, since the moneth of August 1455. years, and unlawfully disposed by His *Majesties* predecessors, against the Acts of Parliament and laws of the Kingdom: and to the principalitie unlawfully disposed by His *Majesties* predecessors, against the Acts of Parliament and laws of this Kingdom: and to the reduction of whatsoever erections of whatsoever benefices, spirituality or temporality thereof, against the Laws and Acts of Parliament: and to the reduction of whatsoever patronages of Kirks pertaining to His *Majesty* and His predecessors, and unlawfully disposed by them against the Acts of Parliament: and against unlawful dispositions of whatsoever lands, reinds or rents doted to Hospitalicies, or malon-dieus, and unlawfully disposed against the Acts of Parliament: and against Regalities and heritable offices unlawfully disposed, contrarie the Acts of Parliament: and against all changed tenors of holding from ward to blensh or tax ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major: with this declaration, like as the said Lords declare that the same shall not prejudice any person whatsoever of their lawful defence competent to them, against any action to be intended hereafter, at His *Majesties* instance and His Successors; except in so far as concern the said Act of prescription, whereupon the said Lords declare, that no exception shall be founded in prejudice of His *Majesty* and His successors, concerning the premises: Followeth the tenor of the Act of Secret Councell.

A *Pud Holy-rude-house vicesimo sexto die mensis Maii, anno Domini millesimo sexcentesimo tricesimo.* The which day, in presence of the Lords of Secret Councell, compeared personally Sir *Thomas Hope*, of *Craige-hall*, Knight Baronet, His *Majesties* Advocat, and gave in the Act of Session underwritten, made in favour of His *Majesty*, anent the Interruption of the act of prescription, and desired the same to be insert and registrat in the Books of Privie Councell, and the Lords authority to be interponed thereto: which Act of Session being read, heard, and considered by the said Lords, and they being therewith, and with the desire of the said Advocat well advised, the Lords of Secret Councell think the course and order taken by the said Lords of Session for interrupting of the said Act of prescription, to be just and reasonable: And therefore, they ordain the said Act of Session to be insert and registrat in the Books of Privy Councell, whereof the tenor followeth.

At *Edinburgh* the penult day of *March*, the year of God, 1630. years: The which day, in presence of the Lords of Councell compeared personally Sir *Thomas Hope* of *Craige-hall*, Knight Baronet, His *Majesties* Advocat, and presented a Letter direct from His sacred Majesty, whereof the tenor followeth.

CHARLES REX: Right trusty, and right well-beloved Cousin, and Counciller; and right trusty and well-beloved: We greet you well. Whereas by Act of Parliament made in the moneth of *June*, 1617. years. All heretable rights clad with forty years possession, are declared to be irreduceable in all time coming, except the same be quarrelled within the space of forty years: and by the same Act there is liberty granted to all persons, who might be prejudged by the said prescription of forty years already run and expired before the date of the said Act; To intend their actions within the space of thirteen years after


after the date of the said Act. And whereas We, shortly after the decease of our dearest Father of eternal memory, made our general revocation in the month of *October*, 1625. Which revocation we by two special Letters of declaration, one of the date at *White-hall* the twenty sixth day of *January*, 1626 years; And registrar in the Books of our Secret Council the ninth day of *February*, 1626 years; And another of the date at *Wainsted* the eleventh day of *July*, 1626 years, and registrar in the books of our Secret Council upon the twenty one day of *July*, 1626 years; Have restricted to the annulling of rights of the property of our Crown, as well annexed as unannexed, whereof account hath been made in our Exchequer; and of the principality unlawfully disposed by our predecessors against the laws and acts then standing; and to the annulling of erections and other dispositions of whatsoever lands, teinds, patronages, and benefices formerly belonging to the Kirk, and since annexed to the Crown; And of any other lands and patronages, which any wise should justly belong to the Kirk or Crown; and of whatsoever lands and benefices mortified and devoted to pious uses; and of Regalities and heritable offices; and of the change of holdings from the ancient holding of ward and relief to blenish and tax ward, since the year of God, 1540 years. And because we were unwilling to enter in process with our Subjects anent the premisses, but rather desired to take a fair course with all such as would voluntarily treat with Us or our Commissioners thereanent:

Therefore We were pleased by our commission of the date at *White-hall* the seventeenth day of *January*, 1627 years; To appoint certain of our Nobility, Clergie, Gentrie, Barons, and Burrowes, to be Commissioners to treat and deal betwixt Us and our Subjects, in the premisses. And albeit the said commission hath made a good progresse in the said matter of erections and teinds, and that a great number of our subjects having interest therein, have subscribed unto unto us general submissions, whereupon We have given forth our several determinations for the good of our subjects, and establishing the perpetual quietness and peace of that our ancient Kingdom; Yet it is certain, that many of these who have interest in erections and teinds, ly forth, and have not subscribed the said general submissions: Like as also the remanent points of our said Commission anent the patronage of Kirks, rights, infeftments of our Propertie and Principality, Regalities, Heretable offices, and changed tenour of holdings in blenish, or tax Wards, are not as yet begun to be handled and treated, and cannot possibly be finished and closed, before the expiring of the time and years of the interruption allowed by the said act. And because we will not suffer our self nor our successors to be prejudged, by delay of the execution of the said commission, of the lawful actions competent to Us and them for reducing such rights of the premisses, unto the which we have undoubted interest; And seeing a multitude cannot be commodiously summoned and warned personally, and at their dwelling places, in so short time as is to run of the said time of prescription: Therefore, and for preservation of our rights and actions competent to Us and our Successors anent the premisses, necessary it is, that some solemn Act be done by Us, to testifie our will and resolution, to prosecute our said actions in the own time, if the same be not taken away and removed by the said commission, which we think cannot be more properly and conveniently done, nor by inserting of that our declaration in your Books of Session, and directing of Letters of publication thereupon: certifying all our Lieges who have interest in the premisses, by open proclamation at the market crosse of *Edinburgh*, and other places needful, of that our pleasure, and declaration: and that the same be declared by you, to have the strength, force, power, and verime of a legal and perfect interruption. And therefore, We require you immediately after the sight hereof, to cause insert these presents in your books of Session; and to declare the same to have the force of a legal and lawfull interruption, and to direct Letters of publication thereupon, in forme as follows.

Which not doubting you will do, We bid you farewell. From our court, at *White-hall*, the twentie ninth day of November, 1629 years. With the which Letter, tenor, contents, and desire thereof, after that the same with the act of Parliament whereunto it is relative, were read in their whole presence, The said Lords being well and ripely advised, and having considered the justice and equitie of His *Majesties* will and declaration contained therein, They have ordained, and ordain the said letter and declaration therein contained, to be insert and registrate in their books of *Sederunt*; and ordain letters of publication to be direct and passe thereupon, certifying all His *Majesties* Lieges, who have interest, by open proclamation at the market crosse of *Edinburgh*, and other market crosses of the Kingdom, where the lands, Baronies, and others lye; or where the persons and subjects dwell and remain, against whom the said declaration is to have effect of a legal interruption in manner following: And by open Proclamation at the said Market crosse of *Edinburgh*, Pier and Shore of *Leith*, for all such of His *Majesties* subjects as are forth of this Realm, Of His *Majesties* pleasure, will and declaration, and of the said Lords their decreet and authoritie interponed thereto. Like as the said Lords declare, That the said declaration registrate, as said is, and to be published in manner foresaid, Shall have the strength, force and power of a legall and perfect interruption against all parties having interest, and that in so farre alennerly as may be extended to the particulars following, *viz.* To His *Majesties* annexed propertie, and His *Majesties* propertie unannexed, whereof the term duties or *teu-fermes* have been compted in His *Majesties* Exchequer, since the moneth of *August*, 1455. years, and unlawfully disposed by His *Majesties* Predecessors against the Acts of Parliament, and Lawes of the Kingdom: And to the principalitie unlawfully disposed against the Acts of Parliament and Laws of this Kingdome: And to the reduction of whatsoever erections, of whatsoever benefices, spiritualitie and temporalitie thereof unlawfully disposed against the Laws and Acts of Parliament: And to the reduction of whatsoever patronages of Kirks, pertaining to His *Majesty* and his Predecessors, and unlawfully disposed by them against the Acts of Parliament: And against unlawfull dispositions of whatsoever teyndes, lands, and rents doted to hospitalls, and masondieus, and unlawfully disposed against the acts of Parliament: And against regalities and heritable offices unlawfully disposed, contrary to the Acts of Parliament: And against all changed tenours of holdings from ward to bleneth, or tait ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major. With this declaration, like as the said Lords declare, that the same shall not prejudice any person whatsoever of their lawfull defences competent to them, against any action to be intended hereafter at His *Majesties* instance, and his successors, except in so far as concernes the said act of prescription, whereupon the said Lords declare, that no exception shall be founded in prejudice of His *Majesty* and his Successors concerning the premisses.

ACT XIII.

Anent regalities of erections.

 OUR Sovereign Lord, With advice and consent of the Estates of Parliament, ratifies and approves that head and article of the act of Parliament made in the month of *July*, 1587 years, cap. 29. anent the annexation of the temporalitie of benefices to the crown, where- by the right and priviledge of regality, which pertained to whatsoever Abbacie, Priorie, Prioreffe, or other benefice whatsoever, is annexed to the crown: with this declaration, That the heirs of the vassals of the heritable tenants shall be entred by briefes forth of His *Majesties* Chancellarie, to be direct to the Provest and Bayliffs of the burrows of the said regalities. But prejudice alwaies to heritable Bayliffs and Stewarts of the said regalities, their heires and succet-
sons

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fors, Of their rights and infestments granted to them of the said Baylleries and Stewartries of regalitie, which shall remain with them in the same condition they were before the same act of annexation, except in the change of their superiour, viz. in the Kings Majesty, and his Successors, who in all times thereafter shall be their superiour, as in the said act of Parliament of the date foresaid, at more length is contained.

And farther, His Majesty, with consent of the Estates of Parliament, casses, annuls, retrears and rescinds all rights and titles made and granted by His Majesty, or His Majesties umwhile Father, or by umwhile Queen Marie his grandmother, to whatsoever person or persons, of the right and priviledge of regalitie, pertaining to whatsoever Abbot, Pryor, Prioreffe, Preceptor, or other beneficed person whatsoever, at any time preceeding the date hereof: And declares the right and title of all and whatsoever regalities within the Kingdom, which pertained to whatsoever benefice particularly or generally above specified, at any time preceeding the generall annexation of Kirk-lands, without respect to any exception mentioned in the said act of annexation, To pertain to His Majesty and his Successors in all time coming. Reserving alwayes to all heritable Bayliffs and Stewarts of the said Regalities, their rights and infestments of the said Baylleries and Stewartries, granted to them by the said beneficed persons, at any time preceeding the date of the erections of the said Abbacies, Priories, and others foresaid in temporall Lordships. And it is declared, that these presents shall no wayes be extended to the right of Regalitie of whatsoever lands, and superiorities, pertaining to the Archbishops and Bishops of this Kingdom, by vertue of their gifts and provisions, granted to them or their predecessors thereupon, which shall remain with them unhurt or prejudged by this present act.

And also it is declared, decerned and ordained, that the lands and Baronie of Broughtown, comprehending the townes, lands, burgh in baronie, milnes, and others mentioned in the infestments granted by His Majesty under his Highnesse great Seal, To his Highnesse right trustie Cousin and Counseller, Robert Earl of Roxburgh, of the date, the day of one thousand six hundred thirtie years, shall not be comprehended herein, excluding the same all utterly therefrom, To remain with the said Earl, his heires and Successors, after the form and tenor of the infestments made to him and his authors of the same.

ACT XIII.

Anent superiorities of Kirk-Lands.

 UR Sovereign Lord, With advice and consent of the Estates of Parliament findes, declares, and ordaines, that His Majesty and his Successors, have and shall have good and undoubted right to the superioritie of all and sundrie lands, baronies, milnes, woods, fishings, towers, fortalices, manour places and whole pertinents thereof, pertaining to whatsoever abbacies, priories, prioreffes, preceptories, and whatsoever other benefices, of whatsoever estate, degree, title, name, or designation the same be of, Erected in temporall Lordships, baronies, or livings, before or after the generall annexation of Kirk-lands, made in the moneth of July, one thousand five hundred fourscore and seven years. And to the whole casualities of the said superiorities, not disposed before the date of the generall Commission, which is of the date at Whitehall, the seventeenth of Januarie, 1627 years; And also to the whole few-mails, few-fermes, and other rents and duties of the said superiorities, of all years after the date of the said Commission: Reserving to such Lords & Titulars of Erections who have subscribed the general Surrender, the few-mails, and few-fermes of their said superiorities, ay and while they

they receive payment and satisfaction of the sum of one thousand markes usuall money of *Scotland*, for ilk chalder of few-ferme victuall overhead ; And for ilk hundreth markes of few-mails, and for ilk hundreth marks worth of all other constant rent of the said superiorities (not consisting in victuall or money, and not being naked service of vassals) according to the tenour of His *Majesties* generall determination, and conform to the conditions therein contained, which are holden as repeated and exprest here. And sicklike with this declaration, that these presents shall be without prejudice to the said Lords, and titulars of erection, of whatsoever lands, baronies, woods, fishings, manour places, milnes, mulctors, and others of the said erected benefices, pertaining to those who have surrendred, as said is, in propertie ; And whereof they had the right of propertie, the time of the said generall surrender acquired by them, either before or since the said erections, by whatsoever maner of way according to the Lawes of the Kingdom. Providing they hold the said property of His *Majesty* and his Successors, as the same were holden before the date of the said erections: And for payment of the few-mails, few-ferms, and other duties mentioned in the old infeftments of the said lands before the date of the said erections.

And His *Majesty* and Estates declare all rights and deeds whatsoever, granted by His *Majesty*, or his umwhile dearest Father, or Grandmother, *Queen Mary*, to whatsoever titulars of erections which may prejudge His *Majesty* and his Successors, in the peaceable brooking, joying and possessing of the said superiorities, and whole benefit thereof above-specified (under the exceptions alwayes and provisions abovementioned) To be null, and of none avail, force nor effect by way of action, exception, or reply : And also findes and declares that the said Lords and titulars of erection shall hold their propertie and proper lands, of His *Majesty* and his Successors, as the same were holden before the date of the said erections. And for payment of the few-mails, few-ferms, and other duties mentioned in the old infeftments of the said lands granted to them and their authors before the date of the said erections : It is alwayes provided, and declared, that these presents, nor no clause therein contained, shall be extended to the superiorities of whatsoever lands, baronies, and others, pertaining to whatsoever Archbishop, Bishop, and their Chaptors : but that the same shall remain with them and their Successors unhurt or prejudged by this present Act.

A C T X V.

Anent His Majesties annuitie of Teinds.

OUR Sovereign Lord, And Estates of Parliament, ratifies and approves the Act of the generall Commission of Teinds and Surrenders, Of the date at *Holy-rude-house* the twenty ninth of May. 1637. years, whereby it is found and ordained, That His *Majesty* and his Successors shall have the constant rent and dutie following, payed out of the teind bolls of victuall, And out of the bodie of the rest of the teinds of the Kingdom redacted in money. Except the teind bolls and silver payed to the Bishops, being the rent pertaining to them, in the estate wherein the same is presently payed or presently payable to them : And except the teind bolls and silver payed to Ministers in name of stipend for serving the cure : and to the Colledges, Hospitals, and other pious uses : That is to say, Of every teind boll of the best wheat ten shillings ; Of everie boll of the best teind beare, eight shillings ; And of everie boll of the best teind oates, meale, pease and rye, six shillings : And where oates are of that nature that they will not render above half meale, the rent to be three shillings : And where the bolls of victuall are of inferiour goodnesse, worth and price nor the best, That His *Majesties* annuitie forth thereof shall be modified proportionally, And where the rent doth not consist in victuall, but in money,

ACT 15. of King CHARLES the I. 31

that His Majesty and his Successors shall have of every hundredth marks of Parsonage and Vicarage reind, not consisting in victuall rent, the sum of six marks money. Together with the Act of the said commission of the date at *Holy-rude-house*, the eight of *August*, 1628. Whereby it is ordained, that the payment of the said annuities shall have the beginning of the crop and year of GOD, 1628. Together with another act of the said commission, of the date at *Holy-rude-house*, the fourteenth day of *July*, 1630. Whereby letters of horning are ordained to be direct at the instance of His Majesties Thesaurer, for payment of the said annuities of the crops, 1628 and 1629. and yearly in time coming. Together with an Act of the convention of the Estates, of the date at *Holy-rude-house*, the twenty ninth of *July*, 1630. years, whereby the said Estates have ratified and approved the said act of the date and tenour foresaid, anent letters of horning, to be direct at the instance of His Majesties thesaurer, for payment of His Majesties annuity of the crops and years of GOD, 1628 and 1629. and yearly in time coming. And siclike ratifies and approves the Act of the said commission, of the date the twenty third of *March*, 1631 years. Whereby it is ordained, that in all teinds which shall be unvalued betwixt and the first of *August* thereafter, that the heritor shall pay his just teind according to the fift part of the present rent, ay and while the constant rent be determined. And whereby it is statute and ordained, that His Majesty shall have right to uplift his annuity according to the said fift part of the present rent, ay and while the said constant rent be determined, Together with another Act of the said Commission of teinds and surrenders of the date at *Holy-rude-house* the fourteenth of *December*, 1631 years. And ratified by the Lords of secret Council upon the twentieth day of the said month of *December*. Whereby it is statute and ordained for an interim, that the annuity of teinds, consisting in victuall, shall be payed to His Majesty of all years by-gone, and in time coming conform to the tenour of the said last Act: and that according to the just and true prices of the victuall in ilk part of the Country, computing for ilk hundred marks of the prices of the said victuall being redacted in money six marks for His Majesties annuity. Which Act is thereafter upon the twentieth of *December*, 1631. ratified by the Lords of secret Council, And letters of horning and poynding ordained to be direct thereupon, and thereafter ratified by the Lords of Exchequer upon the twentieth of the said moneth of *December*. And His Majesty, and Estates statute and ordain the said annuity forth of the teinds to be payed to His Majesty and his Successors, of the said crop and year of GOD, 1628. and of all years tensine and in time coming. And that as well out of the unvalued as valued teinds conform to the tenours of the said Acts of convention, secret Council and Exchequer. And ordaines letters of horning and poynding to be direct by the Lords of His Majesties Exchequer at the instance of His Majesties Thesaurer, principall and depure, for payment of the said annuity of all years by-gone and in time coming. And ordaines the Lords of His Majesties Exchequer, to sit at all convenient times for granting and discussing of suspensions, touching the said annuity of teinds. It is alwayes declared, that the last clause and article contained in the said Act of annuity, whereby the Commissioners think fit that the said annuity of teinds shall be annexed to the crown, is no wayes ratified by this present act, nor no clause thereof. And that His Majesty takes to his own gracious consideration what to do thereanent in whole or in part, as His Majesty in his royall wisdom shall think most expedient. And whatever His Majesty shal do now or hereafter thereanent, shal be as valid and effectual, as if the same had been particularly express in this present Act.

ACT XVI.

Anent Vassals holding ward,

OUR Sovereign Lord, and Estates of this present Parliament, ratifie and approve the Act of Parliament made by His *Majesties* umwhile Father, of eternall memorie, 18. Parliament. cap. 12. Intituled, Act anent setting of fewes to sub-vassals of ward lands in the whole heeds and articles thereof. And farther, His *Majesty* with consent of the said Estates, hath extended and doth extend the said act of Parliament and benefit thereof, in favour of his sacred *Majesty* and of the Prince of *Scotland* and their Successors in all time coming: And statutes and ordaines, that it shall no wayes be lawfull to whatsoever Vassals, holding lands of His *Majesty* or of the Prince of *Scotland*, or of any Duke, Marquess, Earl, Vicount, Lord, Prelate, Baron, or any other person whatsoever, holding their land of their Superiours by service of ward and relief, to let their said lands, baronies, milnes, fishings, or any other lands or heritages whatsoever, holding ward, as said is, To any other person or persons in Few for payment of a Few-ferm dutie, or in any manner of holding, in prejudice of the said ward holding, without speciall advice and consent of their superiours, of whom they hold the same *respective*: And rescinds and annulls all former acts of Parliament of whatsoever date or tenor, which may in any sort derogate to this present act. And findes and declares that all and whatsoever infestments to be granted otherwise, without consent of the said superiours *respective*, or their confirmation obtained thereto, doth no wayes stop the ward of the said lands, nor hinders the course of recognition vacand, or which shall happen to vake in the superiours hands, in case of elienation of the same either of the whole, or of the most part thereof, according to the course of the common Law, without consent of their superiours, but prejudice to their said superiours *respective*, and their successors, of the benefit of the said act of Parliament 1606: whereby all such infestments and grants without consent, as said is, are declared to be null by way of action, exception or reply. Which clause shal stand in favor of His *Majesty*, and in favour of the Prince, and their Successors, and other superiours *respective* foresaid; scklike, and in the same manner as if the said clause were insert in this present act, and this act shall not be extended to deeds lawfully done in time by-gone, before the date of this present act, but onely *ad futura*.

ACT XVII.

Anent the rate and price of teinds.

FOR so much as our Sovereign Lord, of his Royall and Fatherly care, tendering the publike good of this his ancient Kingdom, did immediately after his happy attaining to the Crown, publish and give forth his Royall declaration anent the reforming of the abuses used in leading of teinds, wherein His *Majesties* umwhile Father, of eternall and blessed memory, laboured so much in his time, and for provision and maintenance of Kirks, and other pious uses forth of the said teinds: And now His *Majesty* being by GODS gracious providence present in his Royall Person within this His *Majesties* ancient Kingdom, and holding this his first Parliament of his whole Estates of the same, with whom His *Majesty* hath advised and resolved, to put that glorious work anent the teinds to a full perfection.

Therefore, His *Majesty*, with consent of the three Estates, by these presents statutes,


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statutes, ordaines, and declares, that there shall be no teind-sheaves, or other teinds, Parsonage or Vicarage led and drawn within the Kingdom, but that each heritor and life-renter of lands shall have the leading and drawing of their own teind, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same: or otherwise paying therefore the rate of teind after-specified. Like as His Majesty and Estates find and declare, that the just and true rate of teinds, is and shall be the fifth part of the constant rent which each land payeth in stocke and teind where the same are valued joyntly, and where the teinds are valued apart and severally, that the just rate thereof, is and shall be such as the same is already or shall be hereafter valued, and proved before the said commissioners or subcommissioners, deducing the fifth part thereof for the ease of the heritors, reserving alwayes liberty to such as shall find themselves enormely hurt by the leading of the said valuations, to pursue for rectifying of the same, before the commissioners appointed by His Majesty and Estates for that effect And also His Majesty, with consent of the three Estates, findes and declares, that the price of all teinds which may be sold and annalied, consisting either in money, victuall, or other bodies of goods, is and shall be ruled and estimate according to nine years purchase, the prices of victuall and other bodies of goods whereof the teind consists, being redacted in money, according to the worth and price of victuall and goods in each part of the countrey, to the which the same is, and shall be prized and estimate by His Majesties commissioners already appointed or to be appointed to that effect. And findes and declares that each heritor in the Kingdom, being willing to buy his own teind from the titulars, having power to sell the same, shall be obliged to buy the teinds of his own lands, except so much as shall be locally assigned to the Minister, serving the cure of the kirk, for his maintenance, and to pay the prices foresaid, betwixt and the terme of Martinmasse, in the year of GOD, 1635 years, where the valuation of the teinds is made and approved before the date hereof, and where the same is not yet valued and approved within the space of two years after the same be valued and approved by the Commissioners, to be appointed by His Majesty and Estates to that effect: after the expiring of the which time, His Majesty and Estates declare that the said titulars shall not be compelled to sell the same, except they do it of their own good will and consent, with this declaration alwayes, that in case the impediment of not selling induring the space foresaid, flow from the titular by reason of his minority or other inhabilitie, in that case the heritor who offereth himself ready to buy his own teind within the space foresaid, shall have place so soon as the impediment is removed, to buy his teinds, notwithstanding of the expiring of the years and spaces above-expressed. And it is declared that if the heritor be minor, and his Tutors neglect the buying of his teinds within the space foresaid, the minor shall have action against his Tutors *pro Damno & interesse*, but not action to compell the titular after the expiring of the space foresaid, for selling of the said teinds: And where the said teinds are coft by the heritors as said is, find that the heritor shall be obliged to give to the life-renter of the said lands, having right thereto by contract of marriage, life-rent, infeftment, conjunct-fee, or reservation, both of the infeftment, of fee, the leading of the teinds of their said life-rent lands, for payment of the rate of the teind of the same. And sikelike findes that in all cases where teinds are not coft, that the heritors or life-renters of lands, who have the leading of their own teinds by themselves, their tenants, and others in their name, shall be obliged to pay to the titulars of teinds the yearly rate thereof, according to the valuation of the same made or to be made, and to give securitie thereof, according to the order set down and prescribed by the Commissioners of surrenders and teinds, or to be set down by the Commissioners appointed, or to be appointed by His Majesty with consent of the Estates of this present Parliament, deducing so much thereof as shall be assigned

assigned to the Minister for his maintenance. It is alwayes declared, that whether the said teinds be sold or not, His *Majesty* shall have his annuity forth of the same, according to the tenor of the act of annuity: And because sundrie questions may arise both anent the valuation of teinds, and price of the same in divers parts of the countrey, and anent the securities to be made by the titulars to the heritors who buy their teinds, and by the heritors to the titulars of the price to be payed for the same where the teinds are coft, or for payment of the rate of teind where the same is not coft: And sikelike anent the provision of the Kirks, with competent maintenance, and for division of the price of teinds betwixt the heritors and life-renters, and rectifying of valuations already led to the enorme hurt and prejudice of these, having interest. Therefore His *Majesty* and Estates have referred, and refer the determination of the said particulars, and all others concerning the teinds to the Commissioners appointed by His *Majesty* and Estates in this present Parliament. It is alwayes declared, that this present act shall be no farther obligator against whatsoever Archbishops, Bishops, Parsons, Vicars, and other beneficed perions, being Ministers, nor their successors, but according to the provisions and conditions expressed in the submission, made by the Bishops to His *Majesty*, which is of the date the _____ day of _____ 1628 years, and registrate in the books of commission of surrenders and teinds, upon the thirteenth day of July 1631 years: Which provisions and conditions are holden as expressed herein. And also it is declared, that the Vicarages of each Kirk being a verall benefice and title from the parsonage, shall be severally valued to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrate of the true worth of the said Vicarages.

ACT XVIII.

Anent the Exchequer.

UR Sovereign Lord, and Estates of this present Parliament, ratifie and approve that head and clause of Parliament, made upon the twentie two day of May, 1584: Whereby His *Majesties* unwhile Father, of eternal memorie, with consent of the Estates, hath appointed and ordained, that all causes concerning His *Majesties* property, whether the same be suspensions, letters conform, breaking of arrestment, deforcement of Officers in the premisses, or any thing depending thereupon, shall be discussed before His *Majesties* Exchequer in the Exchequer-house. And sikelike, His *Majesty*, with consent of the Estates, ratifies and ordaines, that the Lords of Exchequer appointed, or to be appointed by His *Majesty*, shall have undoubted power, warrant, and authority, to sit, cognosce, and decide in all the foresaid causes concerning His *Majesties* property, and others depending thereupon: And also in all causes concerning His *Majesties* annuitie forth of the teinds, and ordaines them to sit at all convenient times for passing and discussing of suspensions, and for deciding of other actions concerning the said property and annuitie of teinds. And direct letters of horning and poynding, and other execution necessary upon the decreets pronounced by them, of or concerning the premisses, and the bringing to passe upon a simple charge of ten dayes, upon this side of the water *Dee*: And upon twenty dayes by north *Dee* sikelikely, at the discretion of the said Lords of Exchequer.

A C T XIX.

Commission for valuation of teinds not valued, rectifying the valuations of the same already made, and other particulars therein contained.

OR so much as our Sovereign Lord, immediately after his happy attaining to the Crown of this his ancient and native Kingdom, did out of his Royall and Fatherly care to the publique good thereof, give forth his Royall declaration anent the reforming of the abuses used in leading of teinds, and for provision and maintenance of Kirks and other pious uses forth of the said teinds. And also for restoring the Crown, to the superiorities of whatsoever benefices and temporalities thereof erected in temporall livings, and against other prejudices and detriments done to the Crown, mentioned in the said declaration. And albeit His *Majesty* hath been still urging and following the performance of the particulars foresaid these five years bygone, or thereabout, by commissions direct by His *Majesty* under his great Seal, to that effect, wherein there hath been good progresse made, yet the same could not take a full end without the authoritie of a Parliament: Like as His *Majesty*, out of his earnest and tender affection to the publique good of this his native kingdom; And for advancing the said great and glorious works intended by His *Majesty*, as said is, hath taken the paines to come hither in his Royall person, where His *Majesty*, being present in solemne Parliament, with his three Estates of his said ancient Kingdom: Have resolved and concluded upon the particular acts and statutes after following, tending to the publique good, peace, ease, and comfort of his said Kingdom and subjects thereof: Viz. His *Majesty* and Estates foresaid have ratified the act of commission of surrenders and teinds, of the date at *Holy-rude-house* the twentie sixth day of *June*, 1627 years, whereby it is found meet and expedient, that the lowest proportion for maintenance of Ministers shall be eight chalders of victuall, or eight hundred marks proportionally, except such particular kirks occur, wherein there shall be a just, reasonable, and expedient cause to go beneath the foresaid quantitie; And hath referred the consideration of the reasons and causes thereof to the commissioners to be chosen by His *Majesty*, with consent of the Estates in manner contained in the said act. Like as also His *Majesty* and Estates by another act and ordinance, hath statute, ordained, and declared that each heritor and life-renter of lands *respective*, shall have the leading and drawing of their own teinds, the same being first truly and lawfully valued, and they paying therefore the price after-specified, in case they be willing to buy the same, or otherwise, for the yearly payment of the rate of teinds after-specified. Like as His *Majesty* and Estates have by the said act, found and declared, that the true and just rate of teind is, and shall be the fifth part of the constant rent, which ilk land payes in stock and teind where the same are valued jointly. And where the teinds are valued apart and severally, that the just rate thereof is and shall be such, as the same is already by vertue of the former generall commission of surrenders and teinds proved and valued to, Or else shall be hereafter valued and proved before the Commissioners to be appointed by His *Majesty* with consent of the Estates, deducing the fifth part thereof for the ease of the heritors: Reserving alwayes libertie to such as shall find themselves enormely hurt by the leading of the said valuations, to pursue for rectifying of the same before the said Commissioners to be appointed by His *Majesty* and Estates foresaid: like as His *Majesty* and Estates have by the said Act found and declared, that the price of all teinds which may be sold and annalied, consisting either in money, victuall, or other bodies of goods, is, and shall be ruled and estimate according

according to nine years purchase. The prices of victuall and other bodies of goods, whereof the teinds consist being redacted in money according to the worth and prices of victuall and goods in ilk part of the countrie, To the which the same is and shal be prized and estimat by the said former Commissions of surrenders and teinds, or by the Commissioners to be appointed by His *Majesty*, with consent of the Estates: And also have found and declared, that ilk heritor in the Kingdom being willing to buy his own teind from the titulars, having power to sell the same, shall be obliged to buy the teind of his own lands, except so much as shall be locally assigned to the Minister serving the Cure for his maintenance: And to pay the prices foresaid to the titulars betwixt and the particular times and diets exprest in the said Act. And also have found that the heritors shall be obliged to give to the life-renter of the lands, the leading of their own teinds for payment of the rate of teind of the same. And also have found, that in all cases where teinds are not coast, that the heritors or life-renters of lands who have the leading of their own teinds by themselves, their tenants, and others in their names, shall be obliged to pay to the titulars of the said teinds the yearly rate thereof, according to the order set down and prescribed by the former Commissions, or to be set down by the Commissioners to be appointed by His *Majesty*, with consent of the Estates, deducing so much thereof as shall be assigned to the Ministers for their maintenance.

And because sundrie questions may arise anent the valuations of teinds and prices thereof, and anent the securities to be made by the titulars to the heritors who buy their teinds; and by the heritors to the titulars of the price to be payed for the same, when the teinds are coast, or for payment of the rate of teind where the same is not coast; And anent the provisions of the Kirks, with competent maintenance, and other particulars mentioned in the said act. Therefore His *Majesty* and Estates, by the said act did referre the determination thereof to the Commissioners to be appointed by His *Majesty* and Estates, With these declarations alwayes, that His *Majesty* shall have his annuitie payed forth of the teinds according to the tenour of the said act of annuitie; And that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons being Ministers, and their successors, should be no farther obliged in any of the premisses, But according to the provisions and conditions exprest in the submission made by the Bishops to His *Majesty*, which is of the date the day of 1628 years. And registrate in the said books of surrenders and teinds, upon the thirteenth of July, 1631 years. And that the Vicarages of ilk Kirk being a severall benefice and title, should be severally valued, to the effect the titulars and Ministers serving the Cure, who have right to the said Vicarages, should not be frustrate of the true worth of the said Vicarages. And sikelike, His *Majesty* and Estates by another Act have found and declared, that His *Majesty* and his successors have and shall have undoubted right to the superiorities of whatsoever erections, few-mails, few-fermes, and other casualties thereof, Reserving to such Lords and titulars of erection who subscribed the generall surrender, the few-mails, and few-fermes of their said superiorities, ay and while they receive payment and satisfaction of the sum of one thousand marks usuell money of *Scotland*, for ilk chalder of few-ferm victuall; and for ilk hundred marks of few-mails, and for ilk hundred marks of all other constant rent of the said superiorities, not consisting in victuall or money; and not being naked service of vassals, according to the tenour of His *Majesties* general determination; and conform to the conditions therein contained, as in the said three acts of this present Parliament at more length is exprest.

And forasmuch as it is necessarie for determination of the particulars foresaid, and of all such other points which are fit and expedient for the finishing and full perfection of the said glorious work, anent the teinds, maintenance of Ministers and others foresaid, That a commission be granted by His *Majesty*, with consent of the Estates, and by authority of this present Parliament: Therefore

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fore His Majesty, with consent of the said Estates, hath granted, and by these presents granteth full power and commission to the persons after following: To wit, Nine of the Clergie, nine, of the Nobilitie, nine of the small Barons, and nine of the BURGESSES; Together with my Lord Chancellour, and eight officers of Estate, viz. George Earl of Kinnowll Chancellour; William Earl of Morton Thesaurer; John Archbishop of Saint Andrewes; Thomas Earl of Haddingtown, Lord Privie Seal; Patrick Archbishop of Glasgow; William Earl Marshall, George Earl of Wintown, John Earl of Perth, John Earl of Kinghorn, William Earl of Dumfries, William Earl of Sterling Secretary, David Earl of Southesk, John Earl of Traquair Thesaurer Depute, John Earl of Weymes, Archibald Lord Napier, George Lord Corbarphaine, Alexander Bishop of Dunkell, John Bishop of Murray, John Bishop of Rosse, Adam Bishop of Dunblane, David Bishop of Breichen, Andrew Bishop of Argyll, George Bishop of Orkney, Sir John Hay Clarke of Register, Sir Thomas Hope Advocate, Sir George Elphinstone Justice Clarke, Sir James Galloway Master of Requests, Sir Robert Spotswood, Sir James Learmonth, Sir James Lockhart younger of Ley, Sir John Charters, Sir Robert Grier, John Boyll of Kelburne, Sir William Douglas of Cavers, The Laird of Inchmartine, the Laird of Lugtown, John Sinklar, John Maknachs, Archibald Tod, Edward Edger, Master Alexander Guthrie, Gabriel Cuninghame, Robert Tailyor, William Mickle-John, and Master Robert Cuninghame: or any fifteen of them, there being three of every Estate, with three of His Majesties officers of Estate. Of which number of fifteen, the Lords Chancellor, Thesaurer, and Privie seal, Archbishops of Saint-Andrewes or Glasgow, Earl Marshall, and Earl of Wintown, or any one of them shall be one, to meet and convene at Holy-rude-house, or Edinburgh, at such times and places as they shall think fit; And there to prosecute and follow forth the valuation of whatsoever teinds, parsonage or vicarage within the Kingdom, which are as yet unvalued. And also to receive the reports from the Subcommissioners, appointed within ilke presbyterie, of the valuations of whatsoever teinds, led and deduced before them, according to the tenor of the subcommissions direct to that effect. And to allow or disallow the same, according as the same shall be found agreeable or disagreeable from the tenour of their subcommissions. And also with power to rectifie whatsoever valuations, led or to be led, to the enorme prejudice of the titulars, and to the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions, or of His Majesties annuitie. And for the better expeding and advancing of the said valuations, with power to appoint Committies or Subcommitties of their own number, To receive the reports of the said valuations made or to be made; And to receive, admit and examine witnesses, and to take parties oaths, with their depositions, where the same is referred to oath; And to give such farther power to the said Committies or Subcommitties of their own number, as they shall think fit for the good of the work, and speedy finishing of the same; And sikelike, with power to them if need be, to appoint Subcommissioners, not being of their own number within any parochin or presbyterie of the Countrie, for leading and deducing of the said valuations, and to receive the reports thereof, allow or disallow of the same: And generally with power to them, to let down whatsoever other order or course which shall be thought fit and expedient for dispatch of the said valuations, rectifying thereof or finall closing of the same. And sikelike, with power to the said Commissioners, or any fifteen of them, as said is, there being three of ilk Estate, with any one of the persons of the *quorum* above-specified, after the closing and allowance of the valuations of ilk Kirk and Parochin, To appoint, modifie, and set down a constant and locall stipend and maintenance to ilk Minister, to be payed out of the teinds of ilk parochin, according to the tenor of the acts above-specified. Referring, like as His Majesty referres, with consent of the said Estates, to the said commissioners, the triall of the reasons and causes which may move the said Commissioners to go beneath the

the quantitie of eight chalders of victuall, or of eight hundred marks of money proportionally, in manner contained in the said Act. And likewise, with power to the said Commissioners, to divide ample and spacious parochines, where the same shall be found necessarie and expedient, or to unite divers Kirks in whole or in part to others; And to ratifie and allow after triall and consideration such union or dismembring of Parochines, as hath been formerly made by vertue of the former Commissions. And likewise with power to them, to appoint and provide for such other pious uses in each parochin, as the estate thereof may bear. And likewise, with power to the said Commissioners, as said is, to take order that every heritor and life-renter of lands, shall have the leading of their own teinds, parsonages and vicarages thereof, they paying the price contained in the Act above-specified, in case they be willing to buy the same from the titular, having power to sell, or otherwise paying the rate of teind exprest in the foresaid Act; and to that effect, with power to the said commissioners to set down the prices of sellable teinds, according to the worth thereof in each part of the countrey, where the same grow and are bred; and also with power to them to set down such good and ample securities, as may stand by law, both for the buyers of teinds, to the effect the titulars may be fully denuded in their favour: And also for securitie to the titulars and sellers of the price due to be payed to them for the said teinds; And also to set down the security in favour of the titulars and of the Ministers, so far as concerns the maintenance assigned to them for good, thankfull, and timous payment of the rate of teind, where the same are not, or cannot be sold. And likewise with power to the said commissioners, to discusse and determine all questions which may arise betwixt the titulars and heritors, anent the price of teinds, according to the nature and qualitie of the rights to be sold, whether the same be heritable or temporal, and to proportionate the price accordingly; and also to divide the price of teinds betwixt the heritors and life-renters thereof; and betwixt titulars, tacksmen, and others who have severall and distinct rights to the said teinds sellable, according to the qualitie of their rights; And also with power to them, to cause the titulars who sell their said teinds, to exhibit their right and titles, to the effect that they may be lawfully denuded thereof, in favour of the said heritors and life-renters *respective*, without prejudice alwayes, to His *Majesties* annuitie, to be payed forth of the said teinds by the said titulars of teinds, or heritors, or life-renters of lands, according to the tenor of the said act of annuitie; And generally with power to the said commissioners, to decide and determine in all other points, which may concern the leading and drawing of teinds, the selling and buying of the same, or payment of the rate thereof, contained in the acts of Parliament above-specified or set down in His *Majesties* generall determination; with this provision and declaration alwayes, that the Archbishops, Bishops, Parsons, Vicars, and other beneficed persons, being Ministers, and their successors, shall be no farther bound but according to the provisions and conditions exprest in the submission made by the Bishops to His *Majesty*, which is of the date the day of 1628 years, and registrate in the books of commission of surrenders and teinds, upon the thirteenth day of July 1631: Which provisions and conditions are holden as exprest herein; And also with this provision, that the Vicarages of each Kirk being a severall benefice and title from the Parsonage, shall be severally valued, to the effect the titulars or Ministers serving the cure, who have right to the said Vicarages, be not frustrate of the true worth of the said Vicarage; And likewise, because by the act above-specified, made anent superiorities of erections in favour of His *Majesty*, there is speciall reservation made to such titulars and Lords of erections, as have subscribed the generall surrender of the few-mills, few-fermes, and other constant rent of the said superiorities, aye and while they be payed of the price thereof contained in His *Majesties* generall determination, and according to the provisions specified therein. Therefore His *Majesty* and Estates give full power to the said commissioners, or any fifteen of

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of them, as said is, to call and convene before them the Lords of erection, and others having right to the said few-meils & few-fermes, & other constant rent of the superiorities of Kirk lands, at such particular diers as they shall appoint, and to urge the said Lords of erection and others foresaid, to give up their rentals of their said few-meils, few-fermes, and other constant rent foresaid of their said superiorities, conform to His *Majesties* decret and determination, given out there anent; And with certification as is therein contained, and to liquidate the other constant rent of the said superiorities not consisting in victual or silver: to the effect after the full tryall of the said rental and liquidation thereof, the said Lords of erection may receive the price of a thousand marks for each chalder of few-fermes, and for each hundreth marks of the other constant rent, being redacted in money in whole or in part proportionally, from His *Majesties* Thesaurers, principall, or depute, and in case of the absence and refusal of the said titulars and Lords of erection, that the same may be consigned in the hands of the Clerk to the said commissioners, to remain consigned for their behove; after the which consignment, it shall be lawfull to His *Majesties* Thesaurers, principall or depute, to up-lift, receive, and intromet with the said few-meils, few-fermes, & other constant rent foresaid, of all years and termes after the said consignment, according to the tenor of the said generall determination; And also with power to the said commissioners as said is, to discusse and determine all questions that may arise betwixt the said Lords of erection and the heritors of the ground, Pensioners, life-renters, and others pretending right to the said few-meils, and few-fermes, and to divide the price amongst them, according to the quality of their rights, and all other questions anent the few-meils, few-fermes, and other constant rent foresaid: Which by His *Majesties* generall determination is referred to the determination of the commissioners to be appointed to that effect; And whereas it may fall out that some of the commissioners now appointed by His *Majesty* and Estates, may be unable to attend the service, through death, sicknesse, or some other notour and known impediments; Therefore His *Majesty* reserves to himself the nomination of such other persons in their places, as His *Majesty* shall think fit, whom His *Majesty* by his letters shall recommend to the said commissioners, to the intent they may receive and admit them upon the said commission, and take their oathes for faithfull discharge of the same. And His *Majesty* and Estates ordain this present commission to endure unto the last day of December in the year of GOD, 1635 years; and farther induring His *Majesties* pleasure, and ay and while the same be expressly discharged by His *Majesties* warrand, or letter to that effect. And His *Majesty*, with consent of the Estates foresaid, finds, declares and ordains the acts, decreets, and ordinances of the commissioners foresaid, and of the other persons, who shall be surrogate in their places by His *Majesty* in manner foresaid, in the whole particulars above-specified, and every one of them; to have the strength, force, and authoritie of a decret, sentence, and act of Parliament, and ordaines the Lords of Session to grant and direct letters of horning, poynding, and others thereupon, upon a simple charge of ten dayes, or otherwise as shall be found necessary. Attour for clearing of all doubts and difficulties, which may arise anent the rectifying of valuations, or other particular heads following: His *Majesty* and Estates have declared and declare, that where valuations are lawfully led against all parties having interest, and allowed by the former commissioners, according to the order observed by them, that the same shall not be drawn in question nor rectified upon pretence of enorme lesion, at the instance of the Minister, not being titular, or at the instance of His *Majesties* Advocat, for and in respect of His *Majesties* annuity, except it be proved that collusion was used betwixt the titular and heritor, or betwixt the procurator fiscall and the titulars, & heritors, which collusion is declared to be where the valuation is led, with diminution of the third of the just rent presently payed, and which diminution shall be proved by the parties oathes. And

sicklike

sicklike it is declared, that the provisions contained in the foresaid submission made by the Bishops, whereof mention is made in the foresaid act of tithes, and which is respected in this commission, shall be restricted to that whereof Archbishops, Bishops, Parsons, Vicars, or other beneficed persons being Ministers Colledges, Hospitals, and other dotations to pious uses were in actnall and reall possession the time of the said submission, which shall remain with them in quantity and quality, according to the tenor of the said provision: And if any question shall arise betwixt the said Archbishops, Bishops, Parsons, Vicars, and other beneficed persons foresaid anent the leading of teinds, that the same shall be referred to his sacred *Majesty*, and to his Royall pleasure to be signified thereanent. And also anent laick patronages pertaining to any His *Majesties* subjects, before the year of GOD, 1561 years: His *Majesty* and Estates declare that the same falls within the compasse of the generall submission made to His *Majesty*. And His *Majesties* determination given thereupon, and that allannerly in so farre as concernes a competent maintenance, to be locally payed forth of each Church, to the Minister and his successors; And anent the teinds of other mens lands; And anent the annuity to be payed to His *Majesty* forth of the teinds of the said kirk: And as to the remanent teinds, the same to pertain to laick patrons in price or rate thereof in all cases, where the foresaid laick patrons were in possession of the teinds thereof, by the space of seven years within the fifteen years immediately preceeding the date of the said generall submission: With this declaration, that where the titulars or Ministers provided to the said laick patronages and kirks thereof, were in possession of the benefices foresaid, and fruits and rents thereof, either by leading of the teinds, or by up-lifting and introumetting with the whole rents thereof, by the space of seven years of fifteen years immediately preceeding the said submission; in these cases, the difference betwixt the said laick Patrons, and the Titulars, and Ministers, shall be referred to his sacred *Majesty*, and to his Royall declaration to be given thereanent, and ordaines all former commissions anent the premises, to cease in time coming, and this onely to stand in force in time to come.

A C T X X.

Anent the King his designation of the names to be insert in the Commissions anent the Tithes and Lawes.



U R Sovereign Lord, and Estates of Parliament, considering that the Designation of the particular persons necessarie to be ingroft in the two severall commissions granted in this present Parliament; the one anent the teinds; and the other anent the survey of the Lawes which was by the said Estates referred to his sacred *Majesty*. Therefore the said Estates appoint and ordain the clerk of his Highness Register to insert in the said two severall commissions such particular persons names as His *Majesty* by his warrant, signed with his hand, shall appoint and ordain to be insert thereunto. For doing whereof declares this present act to be als sufficient a warrant to the clerk of Register, as if the said commissioners names had been now presently insert in the said two severall commissions by His *Majesty* and estates of Parliament.

A C T

ACT XXI.

Anent the annuall of eight to be taken of ilk hundred in time to come allennerly suspending the same for three years, and in the interim two of ten to be payed for the said space to His Majesty.

IN the Parliament holden at *Edinburgh*, upon the twentie eight day of *June*, the year of GOD 1633. For so much as His *Majesties* Lieges and good Subjects are heavily oppressed and burdened with exorbitant annual rents, and interest taken for the use of money, far exceeding the rate and proportion taken in *England*, *France*, and other neighbour countries: Therefore His *Majesty*, with advice of the Estates, statutes and ordains, that notwithstanding of any former Act of Parliament, allowing ten pounds to be taken for each hundred pounds in a year: yet that no person after the date hereof take more than eight pounds for the use of the hundred pounds in a year, and so proportionally in lesser or greater sums, under the pains contained in the former Acts of Parliament made against usurers.

And for so much as His *Majesty*, out of his gracious goodnesse, with consent of the Estates, hath reduced the interest and profit of money from ten of the hundred to eight, conform to this present Act. Therefore the Estates of Parliament presently convened, being sensible of the great good ensuing thereby to this whole Kingdom in all times to come; make a voluntary and humble offer to His *Majesty*, that of the said ten payed by borrowers for each hundred, during the space of three years next ensuing: two shall be payed to His *Majesty*, during the said space (by and attour the twentieth penny presently payed to His *Majesty* in this present running taxation) and that for the tearms of Martinmasse next, 1633 years, and Whitsunday 1634 years. And by and attour the sixteenth penny of the extraordinary taxation now presently granted to His *Majesty* in this Parliament, to begin at Martinmas 1634 years. And hereby it is declared, that those who formerly borrowed moneys for eight of the hundred, shall be free of payment of the said two of ten, for such and the same quantities as they have formerly borrowed, and are presently addebted by them, for payment of eight of the hundred allennerly: and those who formerly borrowed for nine of the hundred, and are presently owing by them, shall be only lyable to pay one to His *Majesty* of nine, during the said space, for such and the same quantitie of sums, as were formerly borrowed at nine for the hundred.

And it is further declared, that those who never borrowed moneys before the date of this Act, and shall happen to borrow any sums of money hereafter (they being equally participant of the benefit of the said Act, and His *Majesties* gracious favour thereby extended to them with his other Subjects) shall be subject in payment of the said proportion of two of ten, during the space of three years, as said is: And ordains the lenners to pay the same yearly and termly, during the said space of three years, together and in one sum, with the twentieth penny of this present running extraordinary taxation, for the said term of Martinmasse next, 1633 years, and Whitsunday 1634 years, and together and in one sum with the sixteenth penny granted in this present Parliament, for the tearms of Martinmasse, 1634. Whitsunday and Martinmasse, 1635. and Whitsunday, 1636. beginning the first tearms payment of the said two of ten, at Martinmasse next, and so termly thereafter, during the said space of three years and six tearms. And the said Estates have agreed all in one voice to suspend, like as by these presents they suspend the execution of the said act, for the space of three years, after the date hereof: and by these presents declare that it shall be lawfull (notwithstanding of the said act) to all subjects within this Realm, to take ten markes for each hundred markes of their lent moneys,

put out, or to be put out upon annuall-rent, conform to the preceeding acts of Parliament, during the said space of three years next after the date hereof. And for inbringing of the said taxation of two marks of ten, ordain letters to be direct in the same form and manner as is direct for collecting the foresaid extraordinary taxations of the twentieth and sixteenth penny. And the same to be payed together, and in one sum to His *Majesties* Collector generall, to be appointed, or to his Deputes in his name, having his power to receive the same.

A C T X X I I.

Anent the Lords of Session, their Taxation of ten shillings to be imposed upon every pound land of old extent.

IN the Parliament holden at *Edinburgh* upon the twentyeight of *June*, the year of *GOD*, 1633. Our Sovereign Lord the Kings sacred *Majesty* and Estates of Parliament presently convened: Remembring that at the first institution of the Colledge of Justice, and divers times thereafter in the Parliaments ratifying the same, His *Majesties* royall Antecessors, and Estates of the Realm then assembled, found the erection of that honorable Consistorie (which is a biding monument of the glorie of their reigns) not only to be most usefull for royall service, but also necessary and profitable for the peace of the Kingdom, and to the seen good and comfort of all the subjects. And considering that the provision allowed of before to the Lords of Session, was no wayes sufficient for defraying of their charges, and that through their continual attendance, their private affairs are neglected, and great losses thereby sustained by them.

Therefore, and to the effect the said Senators, and Lords of Session present and to come, may be more encouraged to go on, and to persist as they do in their zeal and affections to His *Majesties* service, and in faithfull ministration of Justice, to the generall weal of the Realm, and all the Lieges: The said Estates with the speciall approbation, and gracious good liking of the Kings sacred *Majesty*, have most freely condescended, statute, and enacted, that a taxation be presently imposed upon their lands and means, which with His *Majesties* content foresaid, they ordain to be collected and payed to the effect, in manner, and at the terms following, That is to say, The Dukes, Marquesses, Earles, Vicounts, Lords, and Commissioners of Shires for the temporal Estate, have granted that there shall be uplifted of every pound land of old extent within this Kingdom, pertaining to Dukes, Marquesses, Vicounts, Lords, Barons, and Free-holders, and Fewars of His *Majesties* proper lands, the sum of ten shillings money, at every one of the four terms following, viz. The sum of ten shillings money at the feast and term of Martinmas next to come, in this instant year of *GOD*, 1633. years: the sum of other ten shillings money, at the feast and term of Martinmas, 1634. years: the sum of other ten shillings money, at the feast and term of Martinmas, 1635. years: and the sum of other ten shillings money, at the feast and term of Martinmas, 1636. years. And the Archbishops, and Bishops for the spirituall Estate have granted that there shall be uplifted of all Archbishopricks, Bishopricks, Abbacies, Pryories, and other inferior Benefices, within this Kingdom, at every one of the four terms above-specified, the just taxation theretof, as they have been accustomed to be taxed in all time by-gone, whensoever the temporall lands of this Kingdom were stented to ten shillings the pound land of old extent: And the same taxation to be payed at every one of the four terms above-specified. And the Commissioners of Burrows for their Estate have granted, that there shall be up-lifted of all the Burrows within this Kingdom, at every one of the four terms above-written, the just taxation thereof, as they have been accustomed to be taxed unto in all time by-gone, whensoever the temporall lands of this Kingdom were stented

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rented to ten shillings the pound land of old extent : And the said taxation to be payed at every one of the said four terms above-written. And in regard that His Majesty hath erected sundrie Prelacies in temporal Lordships, whereby the owners thereof may claim to be taxed with the Barons of the temporal Estate, whereby the said Lords of the Session would be defrauded of a great part of the said taxation, distinate and appointed as said is.

Therefore the said Estates ordaine that all erections of Prelacies, and other small benefices, in whole or in part, in temporall Lordships, shall in payment of the said taxation, pay to the collectors thereof, so much of the said taxation (*pro rata*) as if they were no wayes erected, and as they were subject to do before the erection of the same. And likewise, it is statute and ordained that all dissolved benefices within this kingdom in whole or in part, shall be subject in payment of so much of the same taxation (*pro rata*) as they would have been subject to pay, though the same had not been dissolved. And that the parties who have gotten any part or portion of any Prelacies, or other inferior benefices dissolved, and new securities made unto them by His Majesty, of that part and portion thereof so dissolved, shall be subject in payment of the taxation thereof to the Prelate, or other beneficed person for his relief of the same taxation, as they would have been, so the same had not been dissolved, notwithstanding of any condition contained in the Infeittments and securities made by His Majesty to them in the contrary thereof. And farther, the said Estates annull and discharge all privileges and immunities whatsoever, whereby any persons may think themselves free of payment of this present taxation : the privileges granted to the ordinary Lords and Senators of the Colledge of Justice; and the taxation of the benefices given, disposed, and mortified for intertainment of the Universities, Colledges, and Hospitalls within this Kingdom, onely excepted. Attour, our said Sovereign Lord, and Estates fore said, have given and granted, and by these presents give and grant full power and authoritie to the said Lords of Session, to nominate, appoint, and elect their own Collectors, one or more, as they shall think most expedient for up-lifting of the fore said taxation, to the effect fore said. Which sums of money, after they shall be in-gathered, as is before appointed; Our Sovereign Lord, and the Estates fore said destinate and ordain to be mortified by imployment upon land heritably, or for annual-rent, or other sufficient securitie, as may conveniently be found, for the use and benefit of the said ordinarie Lords of Session, present, and to come : To the effect, that the yearly profit and annuall of the said lands or moneys, (as the same shall happen to be imployed) may be received by them and their successors in their said offices, yearly and termely, after the termes of payment of the same, and applyed to their behove, in manner, and conform to the consuetude of the division of the yearly duty, presently allowed and received by them : and that by and attour the present provision and rents allotted to them by Parliaments heretofore. And to that effect, the said ordinary Lords of Session, shall with all convenient diligence make, subscribe, and deliver to His Majesties Thesaurer principall and deputie, a sufficient and valide security by band or contract, made by the sight and advice of His Majesties Advocate, for imploying of the said taxation, and whole benefit thereof, in whole or in part, as the same shall be up-lifted to the use and effect above-specified. And ordain the particular form and manner of up-lifting and in-gathering of the said taxation, and reliefe of the Prelats, Lords of erections, and other beneficed persons, to be conform to His Majesties own taxation, granted in this present Parliament in all points, except in so farre as concerneth the particular day to be appointed to the Vassals, for convening with the Prelats, Lords of erections, and other beneficed persons, for appointing and setting down of their due and right proportions of the said taxations, which they ordain to be upon the *seventeenth* day of September next to come, which is declared to be the precise day of meeting, to the effect fore said; And that no

farther citation, nor summoning shall be requisite to that effect, than the publication and proclamation of this present Act, at the marker Crosses of the head Burrowes of this Realm, and holdeth the whole remnant clauses, and provisions of the Act of relief of His *Majesties* taxations, as here repeated. And ordaines letters to be direct hereupon.

ACT XXIII.

Ratification of the Liberties of the Colledge of Justice.

OUR Sovereign Lord, with advice and consent of the Estates of Parliament, ratifies, approves, and confirms all Acts of Parliament, gifts, grants, and donations whatsoever, of all priviledges, freedoms, and immunities, made, given, granted, or conceived in favour of the Senatours of the Colledge of Justice, by any of His *Majesties* Royall Predecessors, or in any Parliament holden by them, dispensing alwayes with the generalitie hereof; And holding this generall ratification as sufficient, as if the whole priviledges, freedoms, and immunities, Acts, and grants thereof were specially and at length intert herein till.

ACT XXIV.

Ratification of the Priviledges of the free Royal Burrows.


OUR Sovereign Lord, and Estates of this present Parliament, have ratified and approved, and by the tenour hereof ratifie and approve of new, all acts and constitutions of Parliament made by His *Majesties* Predecessors, in favor of the free burrows of this Realm, and Burgeses and inhabitants within the same, with all priviledges, freedoms, liberties and immunities granted and given to the whole burrows in general in any time by-past, by any of our Sovereign Lord, His *Majesties* noble Progenitors, with all that hath followed or may follow thereupon. And decerns and declares the same to have full strength, force and effect in all times hereafter; so that the same may be put to full and due execution in all points. And specially, without prejudice of the generalitie above-written, His *Majestie* and Estates ratifie the Act of Parliament made by His Highnes Grandfather, umwhile King *James* the third, 1466. His second Parliament, Cap. 11. Ordaining that none sail nor pass in Merchandise out of the Realm but Freemen, Burgeses dwelling within Burgh, or their familiar Factors, servants being with them in household at meat and drink (excepting and reserving to the Prelates, Lords, Barons and Clerks, as in the said act is contained: and all other exceptions contained in any act of Parliament in force, preceeding the day and date hereof) And siclike the Act of Parliament made by King *James* the fourth of worthie memorie. in the Parliament holden at *Edinburgh* the eleventh day of *March*, 1503 years, Cap. 84. Ordaining that no person dwelling out of Burrowes, use any merchandise, nor yet buy nor sell wine, wax, silkes, spicerie, wad, nor siclike stufte, nor yet staple goods: And that none pack nor pill in *Leish*, nor other places without the Kings burrows, under the pain of escheat of the goods that be topped, sold, packed, or piled, contrary to that statute. And siclike the 152 Act of umwhile King *James* the sixth His 13. Parliament: Ordaining that no person exercise the traffique of Merchandise, but Burgeses of free burrows, under pain of escheat of their whole goods and gear, the one half to His *Majesty*, and the other half to the burgh apprehender. And giving power to every burgh by themselves, or a collector, or commissioner deput by them to search the said unfree mens goods, intromet therewith as escheat, either within

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wichin the Country, or any other part to arrest, call, follow and pursue before unsuspect Bailiffs to be creat by them. As also the Sixth Act of King James the Sixth, His ninth Parliament; Ordaining letters of horning to be direct against unfree men, not being burgesles of the free royall Burrowes, to find caution for desisting from usurping of their liberties, in all the heads, clauses, articles and circumstances thereof, Like as His Majesty and Estates declare, that the said liberties and priviledges, mentioned in the said Acts are only proper and competent to the free Burrows Royal, that have vote in Parliament, and bear burden with the rest of the burrowes, and to no others. Prohibiting and discharging all persons who are not burgesles of the said free Royall Burrowes, and bear not burden with the rest, Of all using and exercising of the liberties and priviledges foresaid, in all time coming. And ordain, that letters of horning may be direct by the Lords of Councell at the instance of all burrowes upon the foresaid Priviledges and former Acts of Parliament made thereupon: And this present Act in all times to come, for putting of the same to due execution with all rigour against them that do, or come in the contrary of the Acts and Priviledges foresaid, without calling of any partie.


ACT XXV.

Ratification of the Acts made in favor of the Justices of Peace, and their Constables; and Commission to the Lords of Secret Councel thereanent.

UR Sovereign Lord, and Estates of Parliament, ratifie, approve, and confirm the eighth Act of the twentie two Parliament, holden by King James the Sixth of eternall memorie, Intitulate, Anent the Justices for keeping of the Kings peace, and their Constables; In the whole heads, articles and clauses therein contained, admitting the generalitie hereof to be als valide and sufficient, as if the same were all herein *per expressum* ingroft. Attour His Majesty, and Estates foresaid, give full power, authority and commission to the Lords of His Majesties privie Councell, to set down and impose penalties upon such of the Justices of peace as shall not keep and observe the diets prefixed for their severall and particular meetings. And with power likewise to the said Lords of privie Councell to enlarge and amplifie the power and authorite of the said Justices of peace, if they shall find it necessarie and expedient; and what they shall decreet and determine thereanent, find and declare that the same shall have the force, strength and power of an act of Parliament.

ACT XXVI.

Explanation of the Acts of Parliament made in favour of the Lords of Session, anent twelve pennies of the pound to be payed in decreets, to be given by the said Lords hereafter.

UR Sovereign Lord, and Estates of Parliament, for explanation of the former Acts of Parliament, made in favor of the Lords of Session, anent twelve pennies of the pound: Statute and ordain, that whensoever the said Lords shall decern and ordain twelve pennies of the pound to be payed in any decreet or sentence to be given or Pronounced by them at any time hereafter; The same shall no wayes be payed by the parties, purchasers and obtainers of the said decreets and sentences, but by these parties allennerly, against whom the said decreets and sentences shall happen to be obtained and purchased: And the booking and extracting

trating of the sentences shall not be stayed for the not payment making of the twelve pennies of the pound, by the purchasers and obtainers of the said decrees.

ACT XXVII.

Anent pardon of Penall Statutes.

OUR Sovereign Lord, considering that the precise and rigorous execution of the pains arbitrarie and pecunial, adjected to penall statutes heretofore made, would prove a burden to His *Majesties* Lieges heavy and insupportable, if by His *Majesties* grace and favor they should not be eased and liberat of the same. In consideration whereof His *Majesty* in this His first Parliament, holden in this His Ancient and native Kingdom, being willing to give ease and relief to his subjects of the foresaid burden: Hath therefore been graciously pleased with consent of the Estates of Parliament, to discharge, freely pardon and remit, and by these presents discharges, freely pardons and remits all contraveeners of any of the said penall statutes for all deeds done by them contrary to the tenour of the same statutes in time by-gone. Except only the statutes concerning wearing and bearing of hagbuts and pistols, Taking of unlawfull usurie, Transporting of monny and gold, Slaying of red and black fish, with the penalties incurred by the concealers of annuall-rents, and wrongous up-givers of the inventars of their moneys. Which are no wayes discharged by this present act, not comprehended under the same.

ACT XXVIII.

Ratification in favour of the Vicount of Sterling, of the Infeftments and signature granted to him of the Dominions of new Scotland and Canada in America, and privileges therein contained, and of the dignity and order of Knight Barons, and Act of Convention of Estates made thereanent.



OUR Sovereign Lord, and Estates of this present Parliament, Ratifie and approve all letters Patents, and Infeftments granted by King *James* the Sixth of blessed memorie, or by our said Sovereign Lord, unto *William Vicount of Sterling*, and to his heirs and assignes of the Territories and Dominions of new Scotland and Canada in America; and especially the Patent, Charter, and Infeftment granted by His *Majesties* umwhile dearest Father of worthie memorie, of new Scotland, of the date the tenth day of September, the year of GOD 1621. Item, another charter of the same, granted by His *Majesty*, under the great Seal, of the date the twelfth day of July, 1625 years. Item, another Charter and infeftment granted by His *Majesty* of the Countrie and Dominion of new Scotland under the great Seal, of the date the third day of May, 1627 years. Item, another Charter and Infeftment granted by His *Majesty* under the great Seal, of the River and gulf of Canada, bounds, and privileges thereof, mentioned in the said Patent, of the date the second day of Februarie, 1628 years. Item, a Signature past under His *Majesties* hand of the said Countrie and Dominion, which is to be with all diligence exped through the Seals, of the date at Whitehal, the twenty fourth day of Aprill, 1633 years. With all liberties, priviledges, honours, jurisdictions and dignities *respective* therein

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therein mentioned. Together also with all execution, precepts, instruments of leasing, and leasing following, or that shall happen to follow thereupon. And also ratifies and approves the Act of generall Convention of Estates; at *Holy-rude-house*, the sixth day of *July*, the year of GOD 1630. Whereby the said Estates have ratified and approved the dignities and order of knight Baronet; With all the Acts of secret Councell, and Proclamations following thereupon, made for maintaining of the said dignitie, place and precedency thereof. And His *Majesty* and Estates foresaid, will, statute, and ordain, that the said letters Patents, Charters, and Infeiments; and the said dignitie, title, and order of Baronets, and all letters patents and infeiments of Lands, and dignities granted therewith, to any person whatsoever, shall stand and continue in full force; with all liberties, priviledges and precedencies thereof, according to the tenour of the same. And in als ample maner as if the bodies of the said letters patents, infeiments, and signature above mentioned were herein particularly ingrossed and exprest. And ordain intimation to be made hereof by open proclamation to all His *Majesties* Lieges, at the market crosse of *Edinburgh*, and other places needfull, that none pretend ignorance hereof.

A C T XXIX.

In favour of the Earl of Mortoun, and the Lord Dalkeith his son; anent the Loch of Levin, and preservation of the fishings thereof.



U R Sovereign Lord, and Estates of this present Parliament, considering that the Loch of *Loch-Levin* pertaines heritably in propertie to His *Majesties* right trustie Cousin and Councellor *William* Earl of *Mortoun*, Lord great Tresaurer of this Realm, and *Robert* Lord *Dalkeith* his Son; and that the said Loch is well plenished and furnished with Pykes, Perches, and Trouts of divers kinds; And that when the fish ascend forth of the said Loch, to the waters, burnes, and strypes that fall in the same to spawn therein, There is great slaughter and destruction of them committed by the country people about, whereby the said Loch and fishing thereof is not of such worth to the heritors of the said Loch, nor to the countrey about, as it would be if the said fishes were not slain in the said waters, burnes, and strypes. For remedy whereof, His *Majesty*, with advice and consent of the Estates of this present Parliament, statutes and ordaines that none of His *Majesties* Lieges slay any Pykes, Perches, Trouts, or any other fishes in the waters, strypes, or burns, that fall in the said Loch, or run forth thereof, within the space of five miles to the said Loch, under the pain of twentie pounds usuall money of this Realm, to be payed by each contraveener; *toties quoties* for each contravention: and ordaines the said whole paines and unlaues of contravention to appertain to the said Earl of *Mortoun*, and his said Son, their heires and successours; And by these presents gives and grants power and commission to them and their Bayliffes and Deputes, to call before them within the town of *Kinross*, all persons suspected of slaying of the said fish within the said burnes, waters, Loch, or strypes within the said space of five miles to the said Loch; And as they shall be found guilty or innocent of slaying thereof, to assillye them, or unlaw them in the unlaues foresaid; And to decern and ordain the persons convict to pay the same unlaues to the Proctour fiscall to be appointed for that effect, by the said Earl of *Mortoun*, his said son, or their foresaids; And ordaines letters of homing upon a simple charge of six dayes, poynding, and other letters and exco'torials requisit to be direct for payment to the said proctour fiscall of the said unlaues; And ordaines publication to be made hereof, in form as effairs.

ACT

ACT XXX.

Anent the Clan-Gregour.

UR Sovereign Lord, and three Estates of this present Parliament, understanding that albeit by the great care of his Highnes umwhile dearest Father of eternall memory, the *Clan-Gregour* was suppress and reduced to quietnesse; yet of late they are broken forth again to the heavy oppression of many of His *Majesties* good subjects, who dwell near to the part where they resort, and speciallie in the Sherifdom of *Perth*, *Sterling*, *Clackmannan*, *Monteith*, *Lennox*, *Angus*, and *Mernus*. Therefore, for the timous preventing of the disorder and oppression that may fall out by the said name and *Clan of Mac-Gregour*, and their followers, and for farther suppressing of them; Ratifie and approve all Acts of Councell and Acts of Parliament, made and granted heretofore, against the said wicked and rebellious *Clan of Mac-Gregour*. And farther, His *Majesty* and Estates of Parliament statute and ordain, that the said name of *Clan-Gregour* and every one of them, as they come to the age of sixteen years, shall thereafter yearly give their compearance before the Lords of privie Councell, upon the twenty fourth day of *July*, if it be a lawfull Councel day; and failyeing thereof the next Councel day thereafter, and there find caution for their good behaviour and obedience in all time coming; And take to them some other surname conform to the acts of Councell alreadie made there-anent; And if they faile in not compearance as said is, and go to the horn, that then it shall be lawfull to any of His *Majesties* Lieges, to take and apprehend them, and present them to the Sheriffe of the Shire, or his deputes, or to the Stewarts of the Stewartrie, or their deputes, to the effect they may be presented before the Lords of privie Councell, there to be taken order with as effectis. And if it shall happen any of his Highnes good subjects in taking any of the said *Clan-Gregor*, being put to the horn as said is, to hurt, mutilate or slay any of them, the partie who shall happen so to do, and their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any pain or skaith in body or goods, and shall be free of all pursuicriminal or civil to be intended against them, at the instance of his Highnes Advocate, or any other partie; But the same shall be holden and repute as good service done to His *Majesty*. And farther, our said Sovereign Lord, and Estates foresaid, for the better extinguishing and extirpating of the said wicked and lawlesse Limmers; Statute and ordain that no Minister nor Preachers within the bounds of the *High-lands* or next bordering countreys thereto, *Bamff*, *Invernes*, or regalie of *Spynie*, or *Elgin*, *Forres*, shall at any time hereafter baptize and christen any male childe with the name of *Gregour*, under the pain of deprivation, and that no Clerk or Notar in any time coming, shall make or subscribe any band or other securitie under the name of *Gregour*, or *Mac-Gregour*, under the pain of deprivation. And siclike, statute and ordain that all and whatsoever of the said *Clan-Gregour* that shall happen to be within the said Kingdom upon the fifteenth day of *March* next to come, shall give their compearance before the Lords of privie Councell at *Edinburgh*, or where it shall happen them to be for the time, or the next Councel day thereafter; To the effect that such of them as have alreadie found caution, and whose cautioners are dead, may find new caution for their good behaviour in time coming. And such of them who have never found caution, may find caution and suretie for their obedience in time coming, with certification to them if they do not compear, and that the Lords of privie Councell, for their disobedience, shall direct letters of horning against them, or any of them, and that they therefore be put

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to the horn; that then it shall be lawfull to any of His *Majesties* good Subjects, to take and apprehend them, where ever they may be had, and put them to the next Sheriffe, Stewart, Bayliffe of Regalitie, or their deputies; To any of the Justices of peace, or to the Provost and Bayliffs of Burrowes, to the effect they may present them before the Lords of His *Majesties* privie Councell, that such order may be taken with the said rebels, as the said Lords shall think expedient. And farther, our said Sovereign Lord declares, that if any of his Highnesse good subjects shall happen in taking of the said rebels, to hurt, mutilate or slay any of them, the partie who shall happen so to do, and their complices, shall no wayes be subject nor lyable to law therefore, nor incurre any pain or skaith in their bodie or goods; and shall be free of all pursue criminall or civill, to be intended against them, at the instance of his Highnesse Advocate, or any other partie: But the same shall be holden as good service done to His *Majesty*. And likewise, His *Majesty* and Estates foresaid, statute and ordain, that if any of the said *Clan-Gregour*, who shall happen to have appeared, and found caution in manner above-specified, be found masterlesse in time coming, having neither possessions nor callings, whereupon to live, nor will not take them to service, That it shall be lawfull to any of his Highnesse good subjects to take and apprehend them, and present them to the next Sheriffe, Stewart, Bayliffe of Regalitie and their deputies, or to the Provost and Bayliffes of Burrowes; and that they may present them to the Lords, and others of his Highnesse Councell, there to be taken order with, as they think meet. And siclike, His *Majesty* and Estates of Parliament, statute and ordain, That if any of the said *Clan-Gregour* shall happen to be put to the horn by letters of horning direct against them by the Lords of Councell, for the cause above-written: And that publication be made thereof by the said Lords, to all His *Majesties* Sieges, and at all places needfull; That then whatsoever person or persons shall receit, supply, or intercommune with the said rebels, or any of them, or supply them with meat, drink, lodging, weapons, directly or indirectly, or any other necessities, shall be punished in their bodies, goods, and gear, as intercommuners with rebels and forners, conform to the lawes of this Kingdom against intercommuners and forners. And also His *Majesty* with consent of the Estates foresaid, statutes, ordaines, and commands all Sheriffes, Stewarts, Provosts, Bayliffes of Burrowes, and Regalities, and all and sundrie His *Majesties* good subjects to assist and concur with any of his Highnesse good subjects, who shall happen to be in pursute of the said rebels. And siclike, statutes and ordaines the said Provosts, and Bayliffes of Burrowes, and Bayliffes of Regalitie to receive from the hands of his Highnesse good subjects, the said rebels, who shall happen to be apprehended by them in manner foresaid, put, keep, and detain them in safe ward and firmance, ay and while they be presented before His *Majesties* Councell, or Justice. And lastly, His *Majesty* and Estates foresaid, for suppressing of the said lawlesse limmers and *Clan* of *Allo-Gregour* nominates and appoints the Sheriffe of the Sherifdomes of Perth, Dunbarton, Angus, Mearns, Seirling, and Stewarts of the Stewartries of Strathern, Monteith, Banff, Inverness, Elgin, and Forres, and their deputies, and the Sheriffe of Groumardie and his deputies, and the Provosts and Bayliffes of the Burrowes there; The Earles of Errol, Montrose, Athol, Perth, Tullibardine, Dunfermling, Vicount of Sevmouth, Lord Ogilvie; The Lairds of Glenargue, Laners, Gaxtallie, Wemyss, Glenlyon, Glenfalloch, Edinamill, Grant, or any of them, His *Majesties* Justices in that part, for setting, trying, and doing Justice upon the said rebels of *Clan-Gregour*, or any of them and their complices, who shall be apprehended by any of his Highnesse good subjects, for theft, forning, or slaughter, with power to them to hold Courts, protect and minister Justice upon the said rebels apprehended, as said is, as accords. And where ever His *Majesties* good subjects shall happen to apprehend any of the said rebels forning, committing theft or

slaughter,

slaughter, and shall present them to the said Lords of Councill, Justice or Justice generall, or Commissioners above-specified, or either of them, the doer of that service, shall have for his reward, the moveable goods and gear of the offender, taken and presented by him in manner foresaid.

ACT XXXI.

In favour of His Majesty and Lieges, Intitulate, Salvo jure cujuslibet.



OUR Sovereign Lord and Estates of Parliament declare that no particular Acts made in favour of any of His *Majesties* subjects at this present Parliament, nor no acts of ratification made in their favour, shall prejudice His *Majesty* nor His Successours, of the acts and statutes underwritten, made in favour of His *Majesty* in this same Parliament, viz. The act of His *Majesties* revocation: The act anent the superiorities of erections: The act anent regalities of erections; and the acts made or ratified anent His *Majesties* annexed properties: And His *Majesty* and Estates, finde and declare the said particular acts, and acts of ratification, made in favour of any of His *Majesties* subjects, in so far as the same, or any of them may prejudice His *Majesty* or his Successours, of the said acts and statutes, made in His *Majesties* favour, or of the benefice thereof in whole or in part, to be null and of none avail, force, nor effect, but by way of exception or rep'y. And siclike, statute and ordain that the said particular acts, and acts of ratification, shall not prejudice any third party of their lawfull rights, nor of their actions and defences competent thereupon, before the making of the said particular acts and acts of ratification: But that the Lords of Session and all other Judges shall be obliged to judge betwixt the parties, according to their rights standing in their person, before the making of the said particular acts. And that in respect the said particular acts, and acts of ratification, are made without hearing of parties having interest; and therefore are made *Salvo jure cujuslibet*; Like as His *Majesty* and Estates declare, That this is and was the true meaning of all the acts made in the preceding parliaments, Intitulate, Acts *Salvo jure cujuslibet*; Excepting alwayes forth of this present act a ratification of the mortification of the Abbacie of *Dundrenan* to the Chappell-royall, in favour of the Bishop of *Dunblane*; The act of ratification of the benefice of *Faifaird* with the pertinents, granted to Master *Walter Quaysnaird*, with the act of dissolution of the Abbacies of *Holy-rude-house* and *New-Abby*, all past in this present Parliament: excepting also forth of this present act, The act of ratification and dissolution made in favour of the Marquess of *Hamilton*, anent his right to the impost of the Wines new and old, gifted by His *Majesty* to him for the space of sixteen years specified in his gifts and grants made to him thereupon; and also excepting forth hereof the ratification of the contract past betwixt His *Majesty* and the Lord *Lorn*, Anent the heritable office of Justiciarie, within the bounds therein mentioned, dated the third, and twentie third day of April, 1638 years: And of the Charter under the great Seal, precept, and instrument of seizing following thereupon, together with libertie of creation of Clerks and members of court, directing of precepts, and letters of horning, and power to denounce; and with all other privileges therein contained: And siclike of the three severall acts of Councill and an act of Exchequer, all relative to his rights of the said office of justiciarie, and in favour of the said Lord *Lorn*.

Page 40. line 31 for respected read repeated.

Collected, vised and extracted forth of the Book and Register of the Acts of Parliament, by me Sir John Hay of Lands Knight, Clerk of his Majesties Councill, Register and Rolls: Under my Sign and Subscription manual.

JOHANNES HAY,
Clericus Regis

F I N I S.



A Table of the particular Acts, and other s exped, and past in this first Parliament of our Sovereign Lord
CHARLES, By the grace of GOD, King of Scotland,
England, France, and Ireland, Defender of the Faith;
Holden at Edinburgh, the twenty eight day of June, 1633. years,
not Imprinted.

1
2
3



Commission for surveying the Laws.

Commission anent the admiralty and Chamberlany.

Commission to the Lords of Secret Council, for deciding
the question betwixt the Shires of Perth, Forfar and
Fyfe, and the burgh of Dundee anent the Ladle full of
corn brought to their market.

Anent the petition given in by the Tanners, against the
Lord Erskine.

Anent Master David Wedderburns Grammar.

Anent freedom of foggage, pasturage, &c. to Ministers.

Anent reforming the malt-mens price betwixt the boll of beer and malt.

Anent establishing of correction house.

Anent the mutual interchange of forbidden goods betwixt Scotland & England

Anent inbringing of manufactories.

Anent reformation of abuses in presenting playding to fairs and markets.

Anent discharge of Robert Buchans patent of the pearl and all other monopolies.

Anent reformation of bleaching of linen cloath.

Anent discharge of impositions upon victual brought from forraign parts.

4 Commission to the Lords of Secret Councell anent the scarcity of coin, of gold,
and silver within this Kingdom.

Anent the frequent course of Dollers and base copper money.

Anent the penalty of the breakers of the Act of Parliament, anent wets and
measures.

Anent addision to the book of rates of the prices to be taken by the Clerk of the
bills for allowance of comprysings.

5 Protestation by His Majesty anent the coin.

6 Commission to the Lords of Secret Councell anent the petition presented by
John Lord Torphichen in Parliament.

7 Commission to the Lords of Secret Council anent the Lord Spynies gift, of
being General Muster master, and Collonel within this Kingdom.

8 Commission to the Councell anent the exchange of monies betwixt Scotland
and England.

9 Commission to the Councell anent the criminal iudicatorie.

10 Commission to the Commissioners of surrenders, anent the disjoyning of meikle
and litle Daltons from the Kirk of Monswald, and planting of the new
Kirk of Beith.

11 Commission to the Lords of Exchequer anent Robert Young Printer his gift.

Anent the petition of Janet Keine and the heirs of Andrew Hart.

Anent Master Robert Craiges pension of five hundred pound.

Anent the mean Vassals of Kirk-lands their entrie.

Anent upholding of the Cathedral Kirk of Orkney.

Anent the Vassals of Ward lands.

Commission to the Councell anent the Ministers stipends of Edinburgh.

12 Anent the rebels within the Sheriffdoms of Elgin, Forres, Nairne, and In-
verness.

A Table of the Acts

- Anent the erection of Stranraer in a free burgh, and the burgh wig-
couns petition in the contrary.*
- Anent directing of letters against the inhabitants of the West and North Isles.*
- Anent the articles given in by the inhabitants of Orkney and Zetland.*
- Anent the prices of these writs that pass the Chancellerie.*
- Anent erecting of a Colledge of Physicians in Edinburgh.*
- 13 *Commission to the Commissioners of surrenders anent the Kirks of Nisbet and Crailing.*
 - 14 *Act anent the dissolution of the Abbacies of Holy-rude-house and New-abbay.*
 - 15 *Act of rehabilitation of Francis Stewart, with provision therein, in favour of the Marquess of Hamilton, and Sir Thomas Thomson.*
 - 16 *Protestation Bishop of Dunblane.*
 - 17 *Protestation Sir Patrick Murray of Elibanke.*
 - 18 *Protestation Marquess of Douglas.*
 - 19 *Protestation Laird of Wanchtown.*
 - 20 *Protestation Sir James Lockhart younger of Ley.*
 - 21 *Protestation Sir James Maxwell of Calderwood.*
 - 22 *Act in favour of the Earles of Roxburgh and Buckleuch.*
 - 23 *Act in favour of Master Robert Craige for Printing the book called, De feudis.*
 - 24 *Act in favour of William Douglas of Cavers.*
 - 25 *Act of naturalization of certain noble-men and gentle-men of England.*
 - 26 *Act in favour of George Earl of Kinnoul Chancellor.*
 - 27 *Protestation Archbishop of Saint Andrews.*
 - 28 *Act in favour of the Duke of Lennox.*
 - 29 *Protestation Lord Lindesay.*
 - 30 *Act in favour of the Marquess of Hamilton.*
 - 31 *Act in favour of the Marquess of Hamilton.*
 - 32 *Act in favour of the Earl of Sutherland anent the Regality and Sheriffship of Sutherland, and making thereof a distinct Sheriffdom and erecting Dornoch in a free burgh royall.*
 - 33 *Act in favour of the Earl Marshall.*
 - 34 *Protestation Bishop of Murray.*
 - 35 *Act in favour of the Earl of Buchana, for precedencie before certain other Earles.*
 - 36 *Act in favour of the Earl of Buchana.*
 - 37 *Act in favour of the Earl of Galloway.*
 - 38 *Act in favour of Alexander Lord Gairlies.*
 - 39 *Act in favour of the Earl of Annandail.*
 - 40 *Act in favour of the Earl of Annandail.*
 - 41 *Act in favour of the Archbishop of Glasgow.*
 - 42 *Act in favour of the Bishop of Ross anent annexation of Ferneto Ross.*
 - 43 *Act in favour of the Bishop of Gallamoy.*
 - 44 *Act in favour of the Bishop of Dunblane.*
 - 45 *Act in favour of the Universitie of Saint Andrews.*
 - 46 *Act in favour of the Kings Colledge of Aberdeen.*
 - 47 *Act in favour of the Colledge of Glasgow.*
 - 48 *Act in favour of the Lord Lorn.*
 - 49 *Act in favour of the Lord Lorn.*
 - 50 *Act in favour of the Lord Lorn.*
 - 51 *Act in favour of the Lord Lorn.*
 - 52 *Act in favour of the Lord Taster.*
 - 53 *Act in favour of the Lord Lowdown.*
 - 54 *Act in favour of the Lord Lowdown.*
 - 55 *Act in favour of the Lord Napier.*
 - 56 *Act in favour of the Lord Lindesay.*

not Printed.

- 57 *Act in favour of the Burgh of Aberdeen.*
- 58 *Act in favour of the Burgh of Glasgow.*
- 59 *Protestation Chapter of Glasgow.*
- 60 *Act in favour of the Burgh of Culross.*
- 61 *Act in favour of the Burgh of Haddington.*
- 62 *Act in favour of the Burgh of Bruntland.*
- 63 *Act in favour of the Burgh of Banff.*
- 64 *Act in favour of the Burgh of Pittinweyme.*
- 65 *Protestation Earl of Kelly.*
- 66 *Act in favour of the Burgh of Selkirk.*
- 67 *Protestation Marquess of Douglas.*
- 68 *Protestation Earl of Roxburgh.*
- 69 *Protestation Sheriffe of Forrest.*
- 70 *Protestation Andrew Riddell.*
- 71 *Act in favour of the Burgh of Ayr.*
- 72 *Act in favour of the Burgh of Inverness.*
- 73 *Protestation Earl of Murray.*
- 74 *Protestation Lord Gordon.*
- 75 *Act in favour of the Burgh of Carrick.*
- 76 *Protestation Sir James Learmonth of Balcomie.*
- 77 *Protestation Laird of Barnes.*
- 78 *Act in favour of the Burgh of Kinghorn.*
- 79 *Act in favour of the Burgh of Dumbarton.*
- 80 *Act in favour of the Burgh of New-Galloway.*
- 81 *Protestation Burgh of Kirkcudbright.*
- 82 *Act in favour of the Burgh of Lanark.*
- 83 *Act in favour of Sir Robert Douglas of Spots.*
- 84 *Act in favour of Sir William Anstruther.*
- 85 *Protestation Earl of Kellie.*
- 86 *Protestation town of Pittinweyme.*
- 87 *Act in favour of the Laird of Panmure.*
- 88 *Act in favour of James Livingstone of Beill.*
- 89 *Act in favour of James Maxwell of Innerwick.*
- 90 *Act in favour of the said James Maxwell and his spouse.*
- 91 *Act in favour of the heirs of Master Patrick Murray.*
- 92 *Act in favour of William Murray.*
- 93 *Protestation Vicount of Stormont.*
- 94 *Act in favour of Sir Thomas Hope of Craig-hall Knight Baronet.*
- 95 *Act in favour of Sir James Lockhart younger of Ley.*
- 96 *Act in favour of the said Sir James Lockhart.*
- 97 *Act in favour of Sir Patrick Murray of Elibanck.*
- 98 *Act in favour of Sir John Dalmahey.*
- 99 *Act in favour of the Laird of Glenurquhy.*
- 100 *Act in favour of Doctor Beatone and his spouse.*
- 101 *Act in favour of Henrie Nisbet.*
- 102 *Protestation Lord Balmorinloch.*
- 103 *Act in favour of John Oliphant of Bachelton.*
- 104 *Protestation Duke of Lennox.*
- 105 *Act in favour of Sir James Mac-Gill of Cranston Riddell Knight Baronet.*
- 106 *Act in favour of Sir Thomas Thomson of Dudinstoun Knight.*
- 107 *Act in favour of the Laird of Swinton.*
- 108 *Act in favour of Master Walter Quhytfuird.*
- 109 *Act in favour of Master Walter Quhytfuird.*
- 110 *Act in favour of the Laird of Philorth younger.*
- 111 *Act in favour of the Laird of Corrie-hill.*
- 112 *Act in favour of Master James Bannatine of Newhall.*

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- 113 *Act in favour of Master Andrew Aytoun of Logy Advocat.*
- 114 *Act in favour of Sir James Hamiltoun of Priestfield.*
- 115 *Protestation Sir Thomas Thomson.*
- 116 *Act in favour of John Campbell Fear of Calder.*
- 117 *Act in favour of Sir John Spottilwood of Darsie.*
- 118 *Act in favour of the Laird of Pittligo.*
- 119 *Act in favour of the Laird of Edzell.*
- 120 *Act in favour of the Laird of Ronchlaw.*
- 121 *Act in favour of John Sinclair of Stevenson.*
- 122 *Act in favour of Thomas Crombie of Kemno.*
- 123 *Act in favour of Sir Patrick Mac-Gie of Larg.*
- 124 *Protestation Archibald Stewart of Phintilloch.*
- 125 *Act in favour of the Ministers of Port-Patrick.*
- 126 *Protestation Laird of Kinhill.*
- 127 *Act in favour of Sir Arthur Dowglas of Quhittinghame.*
- 128 *Act in favour of Master William Drummond.*
- 129 *Act in favour of the Skinners of Edinburgh.*
- 130 *Act in favour of Master James Nicolson of Colbrandspeth.*
- 131 *Act in favour of the Fewars of Innerask.*
- 132 *Act in favour of James Scot of Gallowshiels.*
- 133 *Protestation Earl of Roxburgh.*
- 134 *Protestation Sheriff of Forreft.*
- 135 *Act in favour of the Laird of Bishoptoun.*
- 13 *Protestation Earl of Lauderdale contra the Earl of Annandail for priority of place.*
- 137 *Act in favour of Master William Cunningham of Broome-hill.*
- 138 *Act in favour of Master James Raich of Edmiston.*
- 139 *Act in favour of the Laird of Tindall.*
- 140 *Act in favour of John Erskene of Balhagardie.*
- 141 *Act in favour of the Laird of Makelackin.*
- 142 *Act in favour of the Kirk of Pittinweyme.*
- 143 *Act in favour of the Kirk of Eymouth.*
- 144 *Act in favour of the Ministers of Coldingham.*
- 145 *Act in favour of the Minister of Bruntland.*
- 146 *Act of dissolution of Lugtoun and Melvill from the parish of Saint Andrew, and union thereof to Dalkeith and Laswade.*
- 147 *Act anent the Parsonage of Dalkeith and payment of the taxation thereof.*
- 148 *Act in favour of Sir Richard Murray of Cockpall.*
- 149 *Act in favour of the Minister of Colbrandspeth.*
- 150 *Act in favour of Sir John Charters of Aimsfield.*
- 151 *Act in favour of Sir Patrick Hamiltoun of little Prestoun.*
- 152 *Act in favour of the Laird of Balvaird.*
- 153 *Protestation Earl Annandail.*
- 154 *Act in favour of John Hamiltoun of Boghall and his spouse.*
- 155 *Act in favour of William Lockhart of Carstairs.*
- 156 *Protestation Marquess of Hamilton.*
- 157 *Protestation Marquess of Douglas.*
- 158 *Protestation Archbishop of Glasgow.*
- 159 *Act in favour of Master Robert Gordoun of Strealock.*
- 160 *Act dissaniting the Kirks of Ebdie and Newburgh.*
- 161 *Act anent the erection of the Parish Kirk of Stretchine.*
- 162 *Protestation Lord Lunders.*
- 163 *Act in favour of Sir George Hamiltoun.*
- 164 *Act uniting certain lands to the Kirks of Corstorphine and Hails.*
- 165 *Act in favour of James Hay of Smithfield.*

not Printed.

- 166 Act in favour of Sir James Baltour.
167 Act in favour of Alexander Cunningham of Bernis.
168 Protestation Archbishop of Salisburgh.
169 Act in favour of the Master of Cuninghame.
170 Act in favour of Master Alexander Keith of Bonabue.
171 Act dissolving four Prebendaries from the parish Kirk of Cuthbertston to the
College Kirk thereof.
172 Act in favour of Sir John Achmoorie of Garsfield.
173 Act in favour of Sir George Ogilvie of Banff.
174 Protestation Doctor Philip contrary the Act of erection of the Kirk of
Kingisburnis, in favour of the Lord Lindsay.
175 Protestation Earl Lauderdale, contra James Levingston of Bell.
176 Act in favour of Sir Thomas Hope of Craig-hall Knight Baronet.

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2	Anent the collecting and inbringing of the taxation and relief to Prelates,	14.
3	Anent His Majesties royall Prerogative, and Apparell of Kirkmen,	ibid.
4	Ratification of the Acts touching Religion,	15.
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6	Anent the inverting of pious donations,	ibid.
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10	Anent annexation of His Majesties propertie,	23.
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20	Anent the King his designation of the names to be insert in the Commis- sions anent the tithes and lawes,	41.
21	Anent the annuall of eight to be taken of ilk hundred in time to come al- lennerly, suspending the same for three years, and in the interim, two o- ten to be payed for the said space to His Majesty,	42.
22	Anent the Lords of Session, their taxation of ten shillings to be imple- upon everie pound land of old extent,	44.
23	Ratification of the liberties of the Colledge of Justice,	ibid.
24	Ratification of the priviledges of the free royal burrows,	45.
25	Ratification of the acts made in favour of the Justices of peace, and the Constable, and Commission to the Lords of secret Councell thereanent	46.
26	Explanation of the Acts of Parliament made in favour of the Lords of se- sion, anent twelve penes of the pound to be payed in decreets, give by the said Lords thenceforth,	47.
27	Act pardon penall statutes,	48.
28	Ratification in favour of the Vicount of Scotland of the infeftments and signature granted to him of the Dominion of new Scotland and Cana- in America, and priviledges therein contained, and of the dignitie and order of knight baronets, and act of convention of Estates made there- anent,	ibid.
29	Act in favour of the Earl of Moray, and the Lord Dalkeith his son, anent the Loch of Levin, and preservation of the fishings thereof,	49.
30	Act anent the Clan-Gargach,	50.
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